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SAN FRANCISCO
PLANNING DEPARTMENT

December 29, 2007

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479Reception:
415.558.6378Fax:
415.558.6409Planning
Information:
415.558.6377**RE: CASE NO. 2005.0540E: 1415 Mission Street Mixed-Use Development Project**

To Responsible Agencies, Trustee Agencies, and Interested Parties:

A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project, described below, has been issued by the Planning Department. This notice is being sent to you because you have been identified as having an interest in the project or project area. The NOP is either attached or is available at www.sfgov.org/planning/mea or by request from **Jessica Range**, whom you may reach at **(415) 575-9018** or at the above address. Case materials are available for review by appointment at the Planning Department's office at 1650 Mission Street, 4th Floor. (Call 575-9018 to schedule an appointment.)

5/S*San Francisco Public Library*Government Information Center
San Francisco Public Library
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San Francisco, CA 94102**REFERENCE BOOK***Not to be taken from the Library*

Sponsor, R & K Investments, proposes to construct a mixed-use project at the 11,424 square-foot project site, located at 1415 Mission Street southwest corner of Mission and Tenth Streets, on the block bounded by [redacted] and south and Tenth and Eleventh Streets to the east and west, in San Francisco. The project sponsor proposes to demolish a one-story commercial building, [redacted] lot facility, and construct a new 16-story, 150 foot-tall, approximately [redacted] commercial and residential building. The proposed project would include [redacted] ground floor commercial space, 156 residential units (53 studio, 84 one-bedroom, and 19 two-bedroom units), and a four-level underground parking garage with 78 independently accessible spaces. Access to the residential and commercial parking and one vehicle [redacted] lot.

The project is located in the Downtown General Commercial (C-M) zoning district and a 130-L height and bulk district. The project requires a Zoning Map and *San Francisco Planning Code* Text Amendment (Chapter 22) to establish a new Tenth and Mission Special Use District (SUD), which would change the height and bulk restrictions on residential density; and (c) eliminate the floor area ratio. The proposed project would require Downtown Permit Review (*Planning Code* Chapter 22.05) for the project. The project would require [redacted] open space, dwelling unit exposure, rear yard and off-street parking [redacted] lot.

The Planning Department has determined that an EIR must be prepared for the Project prior to any final decision regarding whether to approve the Project. The purpose of the EIR is to provide information about potential significant physical environmental effects of the Project, to identify possible ways to minimize the significant effects, and to describe and analyze possible alternatives to the Project. Preparation of an EIR does not indicate a decision by the City to approve or to disapprove the Project. However, prior to making any such decision, the decision makers must review and consider the information contained in the EIR.

Public comments concerning the scope of the EIR are encouraged and should be mailed to the San Francisco Planning Department, Attention: Bill Wycko, Acting Environmental Review Officer, 1415 Mission Street Mixed-Use Development Project, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2479 by **5 PM on January 31, 2008**. Should you have questions concerning the environmental review of the proposed project, please contact **Jessica Range** at the number above. If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is [redacted] to your agency's statutory responsibilities. We will also need the name of the contact person for your [redacted] lot.

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SAN FRANCISCO PLANNING DEPARTMENT

December 29, 2007

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RE: CASE NO. 2005.0540E: 1415 Mission Street Mixed-Use Development Project

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Project Description: The project sponsor, R & K Investments, proposes to construct a mixed-use commercial/residential development project at the 11,424 square-foot project site, located at 1415 Mission Street (Assessor's Block 3510, Lot 001), on the southwest corner of Mission and Tenth Streets, on the block bounded by Mission and Howard Streets to the north and south and Tenth and Eleventh Streets to the east and west, in San Francisco's Mid-Market neighborhood. The project sponsor proposes to demolish a one-story commercial building, currently used as an attended parking lot facility, and construct a new 16-story, 150 foot-tall, approximately 203,500-gross-square-foot mixed-use commercial and residential building. The proposed project would include approximately 2,200 square feet of ground floor commercial space, 156 residential units (53 studio, 84 one-bedroom, and 19 two bedroom) and a four-level underground parking garage with 78 independently accessible parking spaces or up to 136 valet spaces. Access to the residential and commercial parking and one vehicle loading space would be from Tenth Street.

The project site is located within a Heavy Commercial (C-M) zoning district and a 130-L height and bulk district. The project sponsor seeks to rezone the site, requiring a Zoning Map and *San Francisco Planning Code* Text Amendments (*Planning Code* Section 302) to establish a new Tenth and Mission Special Use District (SUD), which would (a) rezone the site from C-M to Downtown General Commercial (C-3-G) and change the height and bulk district from 130-L to 150-S; (b) eliminate restrictions on residential density; and (c) eliminate the floor area ratio (FAR) limit for residential uses. The proposed project would require Downtown Permit Review (*Planning Code* Section 309), and exceptions to the usable open space, dwelling unit exposure, rear yard and off-street parking requirements.

As stated in the NOP, the Planning Department has determined that an EIR must be prepared for the Project prior to any final decision regarding whether to approve the Project. The purpose of the EIR is to provide information about potential significant physical environmental effects of the Project, to identify possible ways to minimize the significant effects, and to describe and analyze possible alternatives to the Project. Preparation of an EIR does not indicate a decision by the City to approve or to disapprove the Project. However, prior to making any such decision, the decision makers must review and consider the information contained in the EIR.

Public comments concerning the scope of the EIR are encouraged and should be mailed to the San Francisco Planning Department, Attention: Bill Wycko, Acting Environmental Review Officer, 1415 Mission Street Mixed-Use Development Project, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2479 by **5 PM on January 31, 2008**. Should you have questions concerning the environmental review of the proposed project, please contact **Jessica Range** at the number above. If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities. We will also need the name of the contact person for your agency.

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SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date of this Notice:	December 29, 2007		
Lead Agency:	San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, California		
Agency Contact Person:	Jessica Range, Environmental Planner	Telephone:	(415) 575-9018
Project Title:	2005.0540E: 1415 Mission Street Mixed-Use Development		
Project Sponsor:	R & K Investments		
Project Contact Person:	Daniel Frattin, Reuben & Junius, LLP	Telephone:	(415) 567-9000
Project Address:	1415 Mission Street	Assessor's Block and Lot:	Block 3510, Lot 001
City and County:	San Francisco		

Project Description: The 11,424-square-foot project site is located at 1415 Mission Street (Assessor's Block 3510, Lot 001), on the southwest corner of Mission and Tenth Streets, on the block bounded by Mission and Howard Streets to the north and south and Tenth and Eleventh Streets to the east and west, in the Mid-Market neighborhood. The proposed project includes the demolition of the existing one-story commercial building, currently used as an attended parking lot facility, and construction of a new 16-story, 150-foot-tall, approximately 203,500-gross-square-foot mixed-use building. The proposed building would include approximately 2,200 square feet of ground floor commercial space, 156 residential units (53 studio, 84 one-bedroom, and 19 two-bedroom) and a four-level underground parking garage with 78 independently accessible spaces or up to 136 valet spaces. Access to the residential and commercial parking and one vehicle loading space would be from 10th Street.

The project site is located within a Heavy Commercial (C-M) zoning district and 130-L height and bulk district. The proposed project seeks to rezone the site and would therefore require a Zoning Map and *San Francisco Planning Code* Text Amendments (*Planning Code* Section 302), to establish a new Tenth & Mission Special Use District (SUD), which would (a) rezone the site from C-M to Downtown General Commercial (C-3-G) and change the height and bulk district from 130-L to 150-S; (b) eliminate restrictions on residential density; and (c) eliminate the floor area ratio (FAR) limit for residential uses. The proposed project would require Downtown Permit Review (*Planning Code* Section 309), and exceptions to the usable open space, dwelling unit exposure, rear yard, and off-street parking requirements.

THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and the following reasons, as documented in the Initial Study for the project, which is attached.

Written comments on the scope of the EIR will be accepted until the close of business on **January 31, 2008**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

State Agencies. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency. Thank you.

December 29, 2007

Date

Rich Cooper, for

Bill Wycko, Acting Environmental Review Officer

cc: Steven Kay, R & K Investments; Jared Eigerman, Project Attorney; Julian Banales, Neighborhood Planner
Southeast Quadrant; Distribution List; Supervisor Chris Daly, District 6; Bulletin Board; Master Decision File.

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INITIAL STUDY

2005.0540E 1415 Mission Street

A. PROJECT DESCRIPTION

Project Location and Site Characteristics

The project site (Assessor's Block 3510, Lot 001) is located at 1415 Mission Street in the South of Market neighborhood, on the southwest corner of Mission and Tenth Streets, on the block bounded by Mission Street to the north, Tenth Street to the east, Howard Street to the south, and Eleventh Street to the west (see Figure 1, page 2). The approximately 11,424-square-foot (0.26 acre) project site is essentially level, at an elevation of approximately 35 feet above Mean Sea Level (MSL) and contains a one-story, 18-foot-tall, approximately 5,000-square-foot (-sq.ft.) commercial building, situated at the southern edge of the lot, and set back from Mission Street by a paved surface parking lot. The site was last occupied by a tire sales and repair business and is currently used as an attended indoor/outdoor parking facility. The former auto service bays of the existing building are currently used for vehicle parking and the office portion of the building is used as the office of the parking facility. The existing building and paved parking area cover the entire site and is devoid of vegetation. The site is surrounded by a chain-link fence, with curb cuts and access gates on both Mission and Tenth Streets. The project site is located within a Heavy Commercial (C-M) zoning district and 130-L height and bulk district.

Project Features

The proposed project would demolish the existing one-story automotive retail and service building and adjoining asphalt parking lot at the site, and construct a 16-story, 150-foot-tall, approximately 203,500-sq.ft. mixed-use building with 156 residential units, about 2,200 square feet (sq.ft.) of ground floor commercial space and a four-level below-grade parking garage for up to 78 independently-accessible, or 136 valet parking spaces. (See Figures 2 to 15: Site Plans and Elevations, pages 3 to 16.)

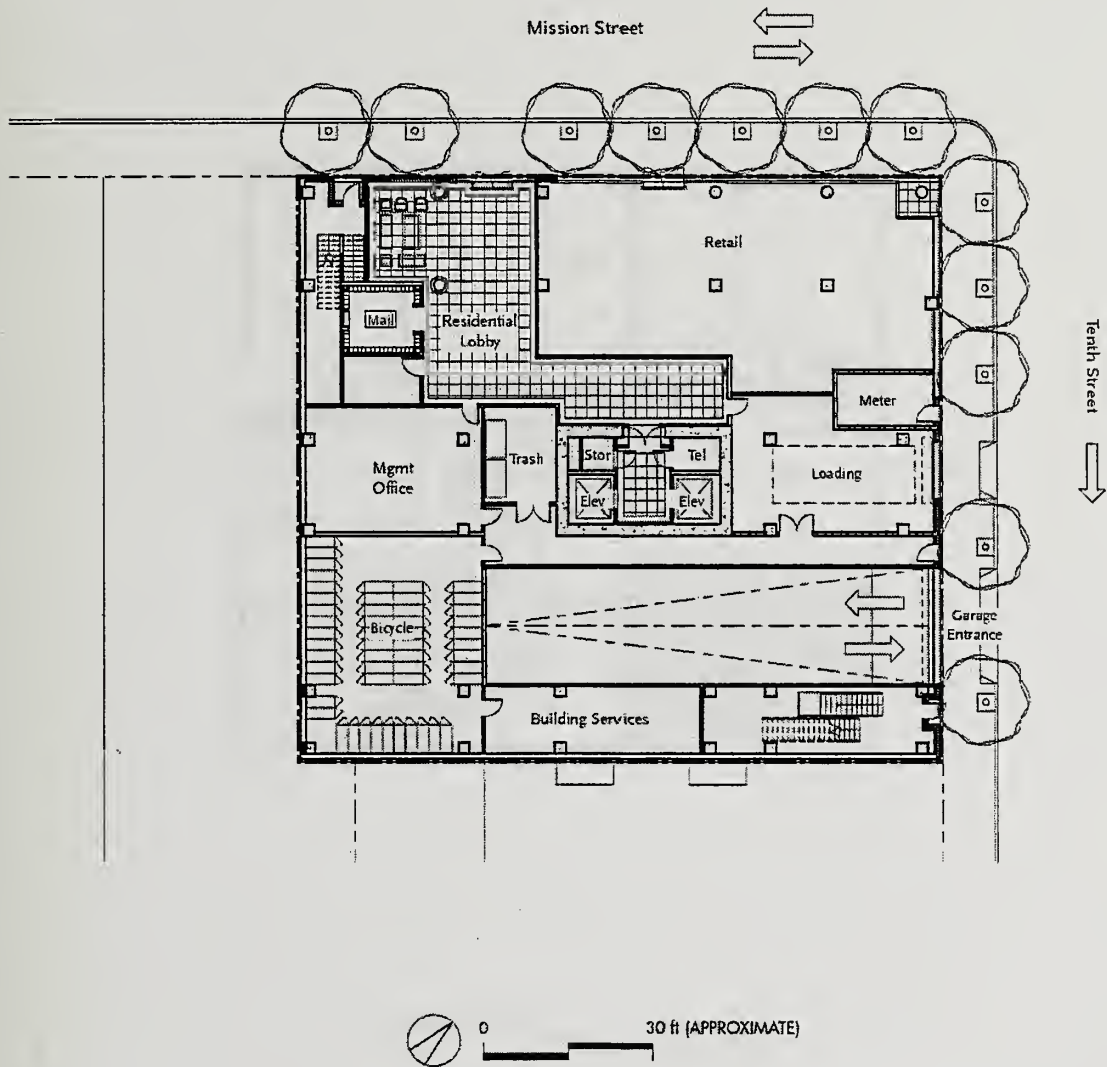
The proposed, approximately 145,000 sq.ft., residential space, located on the second through sixteen floors, would be a mix of 53 studio, 84 one-bedroom, and 19 two-bedroom units, ranging in size from approximately 425 to 1,200 sq.ft. Of the 156 units, 23 units, or approximately 15 percent, would be designated as affordable units, as required under the City's Inclusionary Affordable Housing Program.



Source: During Associates

6-14-07

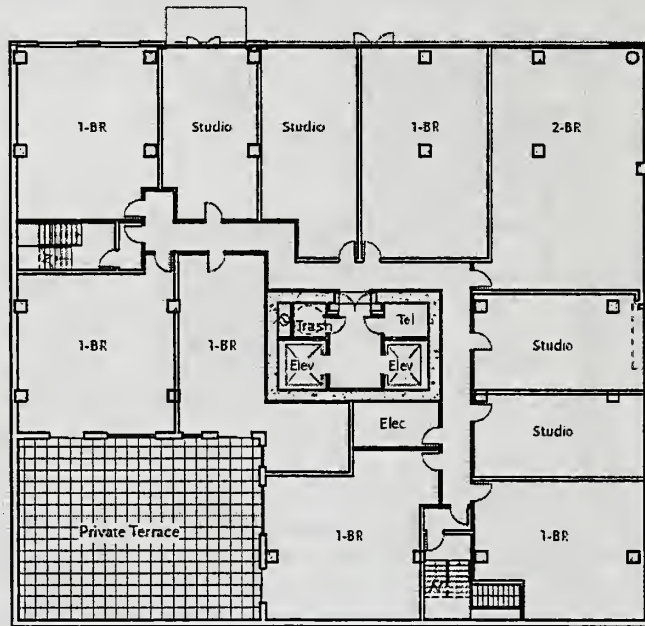
Proposed Project Location Figure 1



Source: Heller Manus

9-7-07

Proposed Ground Floor Plan Figure 2



Source: Heller Manus
9-14-07

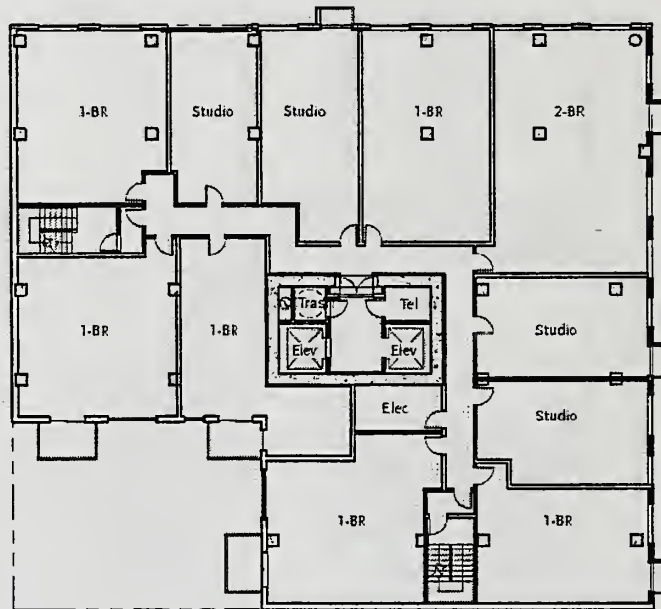
Proposed Second Floor Plan Figure 3



Source: Heller Manus

9-14-07

Proposed Third Floor Plan Figure 4



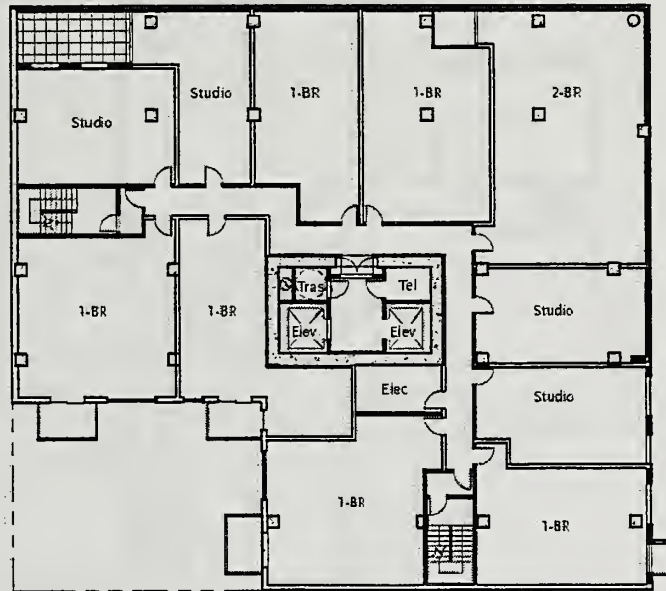
Note: Levels four to seven vary by balcony placement along the north and east sides of the building.



Source: Heller Manus

12-6-07

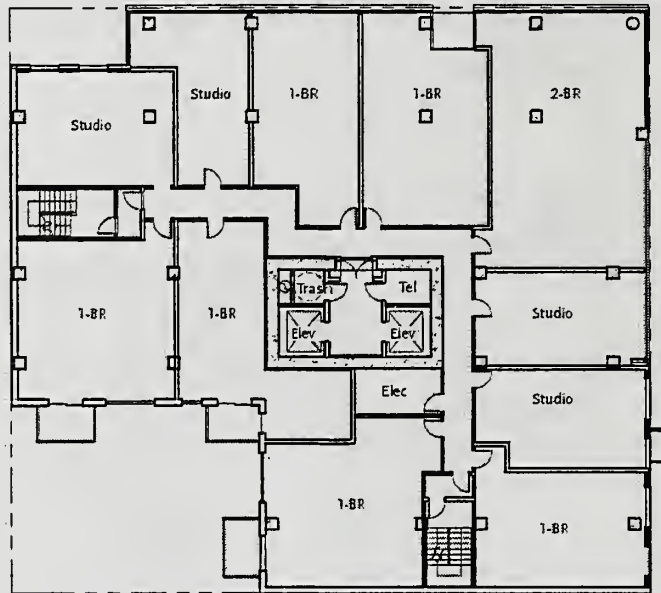
Proposed Sample Floor Plan—Levels Four to Seven Figure 5



Source: Heller Manus

12-6-07

Proposed Eighth Floor Plan Figure 6



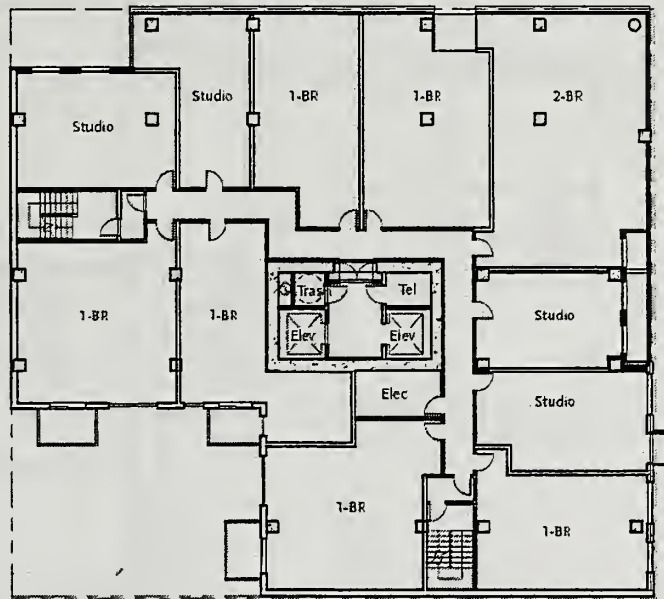
Note: Levels nine and ten vary by balcony placement along the east side of the building.



Source: Heller Manus

12-6-07

Proposed Sample Floor Plan—Levels 9 & 10 Figure 7



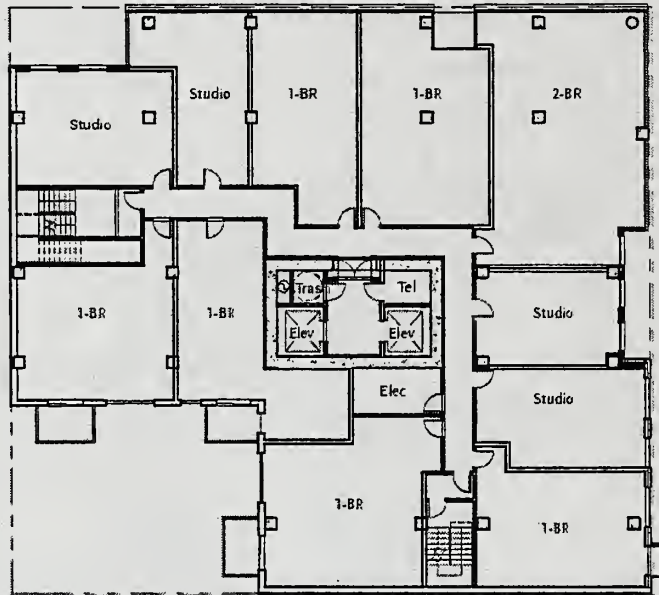
Note: Levels eleven to thirteen vary by balcony placement along the east side of the building.



Source: Heller Manus

12-6-07

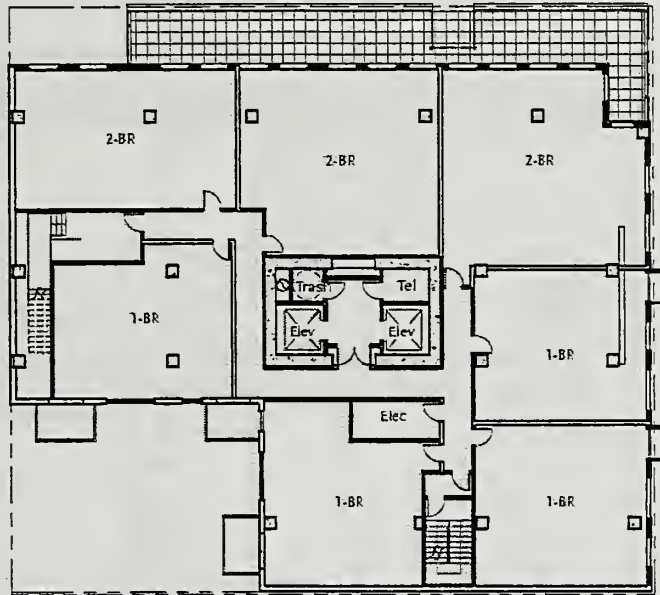
Proposed Floor Plan—Levels 11 & 13 Figure 8



Source: Heller Manus

12-6-07

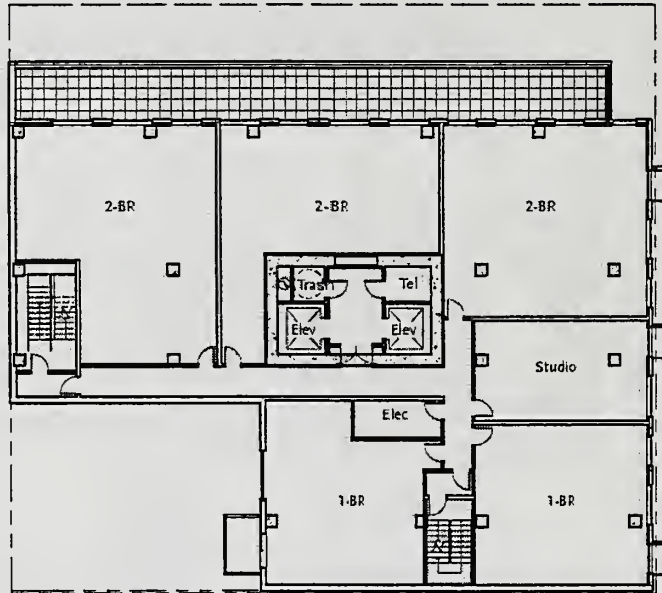
Proposed Fourteenth Floor Plan Figure 9



Source: Heller Manus

12-6-07

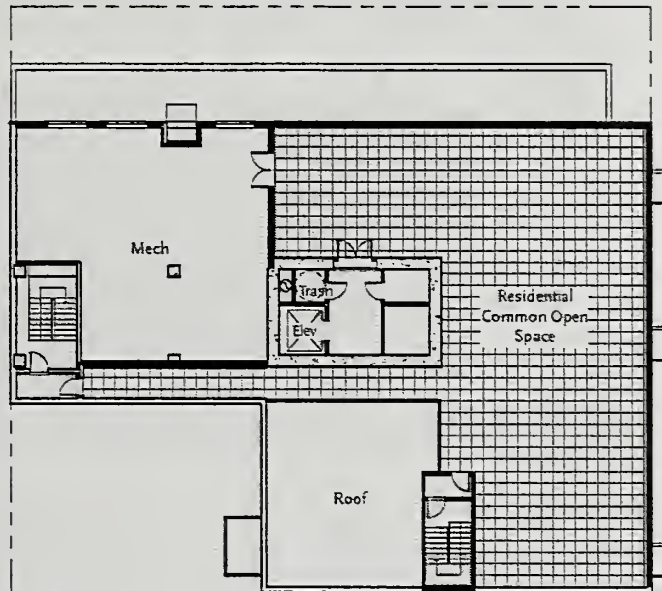
Proposed Fifteenth Floor Plan Figure 10



Source: Heller Manus

12-6-07

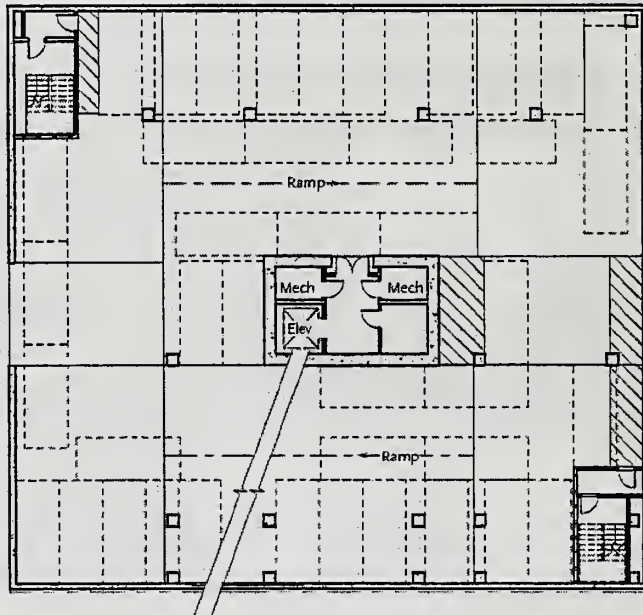
Proposed Sixteenth Floor Plan Figure 11



Source: Heller Manus

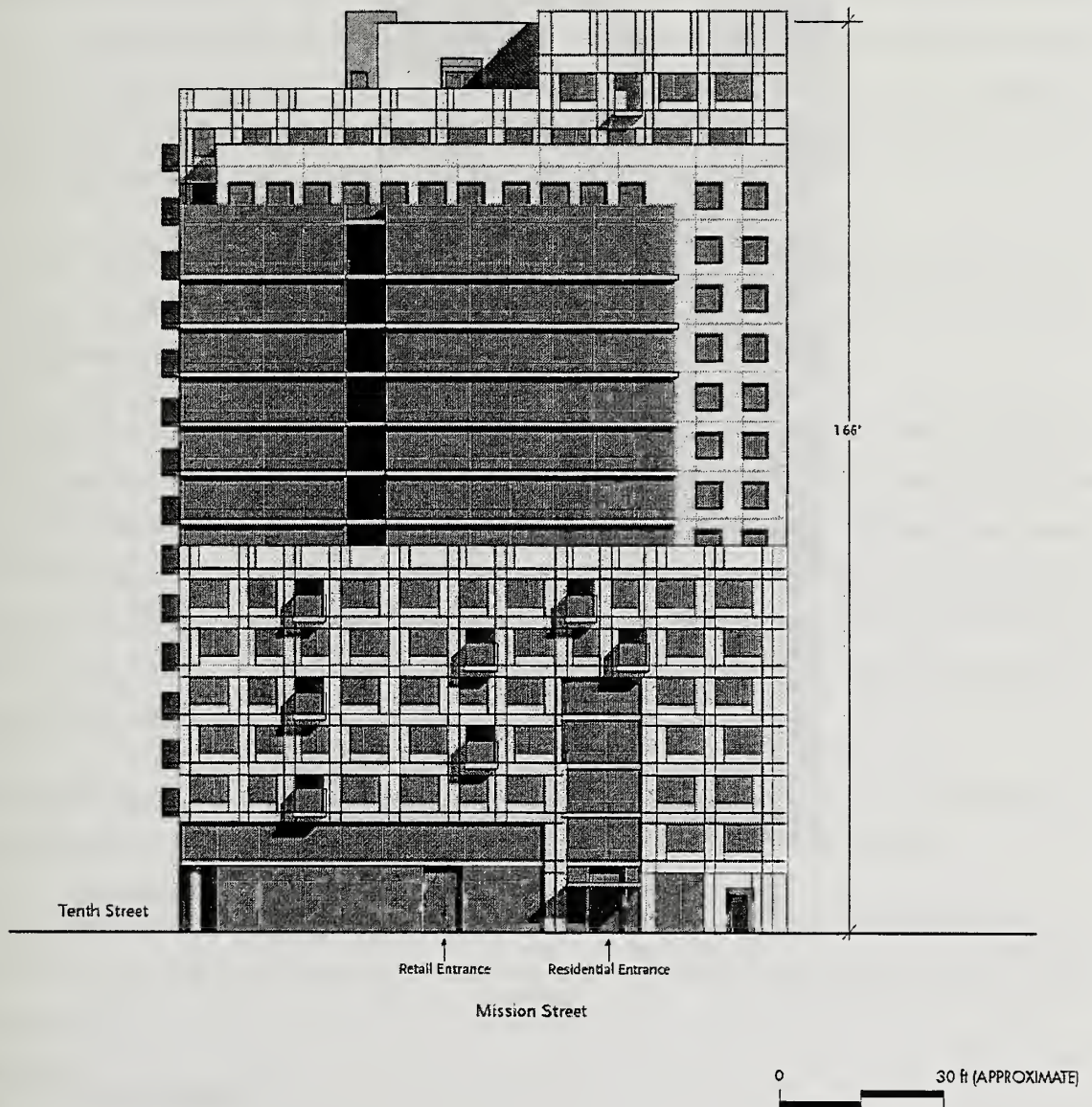
12-6-07

Proposed Roof Floor Plan Figure 12



Source: Heller Manus
12-6-07

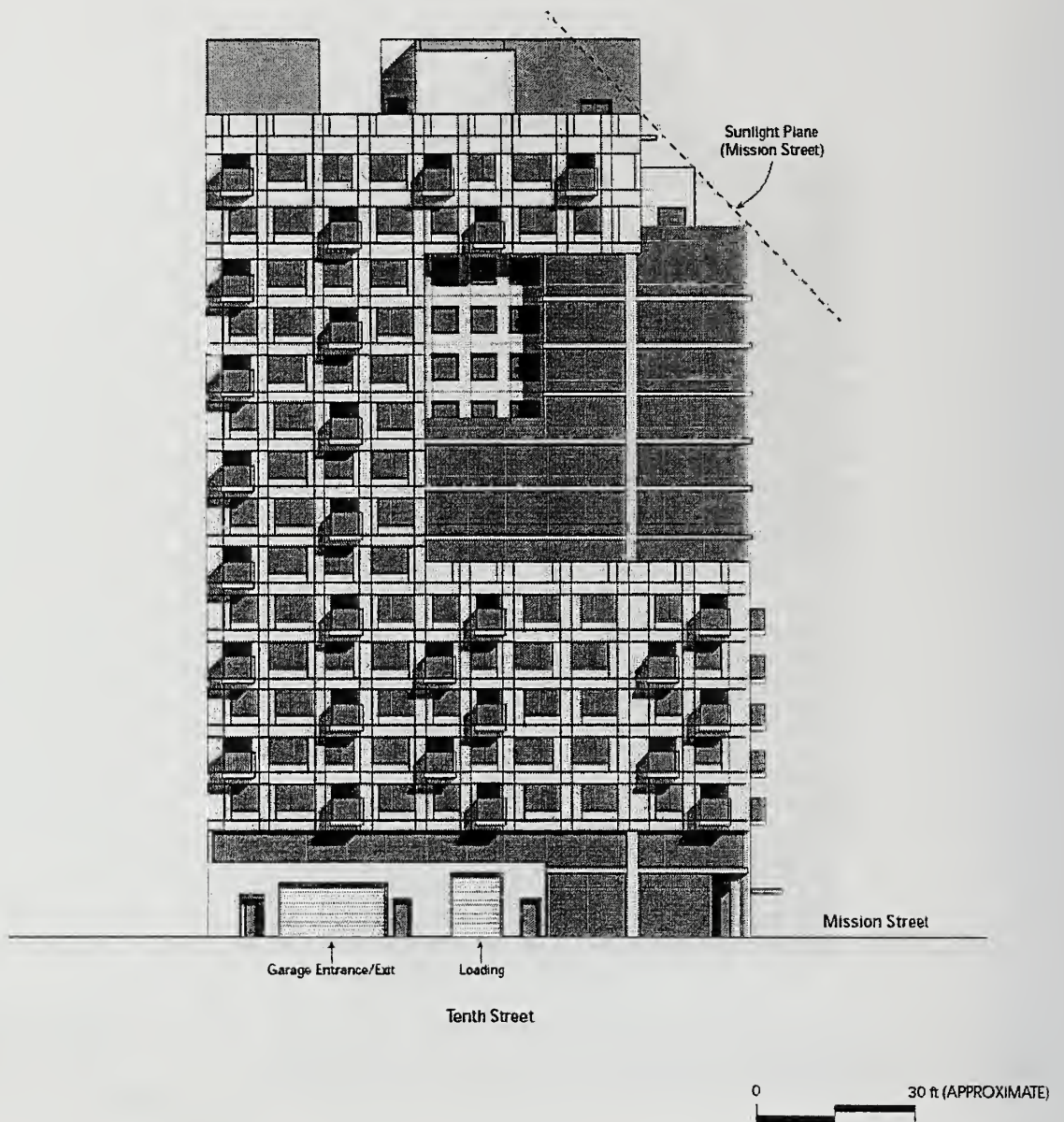
Proposed Basement (Levels B1-B4) Valet-Controlled Parking Plan Figure 13



Source: Heller Manus

12-6-07

Proposed Mission Street Elevation Figure 14



Source: Heller Manus
12-6-07

Proposed Tenth Street Elevation Figure 15

The ground floor of the building would be comprised of a residential lobby facing Mission Street and 2,200 sq.ft. of commercial space at the corner of Mission and Tenth Streets. An approximately 700-sq.ft. building management office and a secure 52-space bicycle storage area would be located in the interior portions of the ground floor. The bicycle storage area would be accessible by a pedestrian entrance on Tenth Street. Screened entrances to a street-level freight and service loading area and an underground parking garage would be located on the building's Tenth Street frontage. The proposed project would include street trees along both the Mission and Tenth Street frontages.

The four-level, 45,615 sq.ft., below-grade parking garage would include up to 78 independently accessible parking spaces, or 136 valet-operated spaces. The parking garage would include five handicapped parking spaces and one additional car share space.

Approximately 3,375 sq.ft. of common usable open space would be provided at the penthouse (roof) level for the private use of residents. Eighty-eight of the 156 dwelling units would have access to private open space in the form of balconies or terraces ranging in size from 36 to 330 sq.ft. and totaling approximately 7,050 sq.ft. In addition to the residential, retail/personal services, parking, and open space described above, there would be about 7,000 square feet of residential common area (including lobby, stairways, bicycle parking, mail room, trash room, management office, building services room, loading stall, and storage space) on the ground floor, and 3,400 square feet of mechanical space.

The proposed project would require excavation to a depth of approximately 45.5 feet for the four-level parking garage and foundation, and removal of approximately 16,000 cubic yards of soil.

Project construction is estimated to take approximately 21 months with a construction cost of approximately \$16.5 million. The project sponsor is R & K Investments and the project architect is Heller Manus Architects.

B. PROJECT SETTING

The project site vicinity (within one to two blocks in this Mid-Market neighborhood) consists of a mix of land uses, including commercial, office, retail, restaurant, public storage, parking lots, and some residential uses. Several of these buildings (located to the south and east of the project) contain residential uses. There are a variety of building types, sizes, and ages on the project block and in the vicinity.

Directly west¹ of the project site is a five-story office building with a surface parking area. Adjacent to the project site, to the south, is a three-story residential hotel building providing social services on the ground floor and residential hotel units above. Tenth Street is located east of the project site, and Mission Street is located north of the project site.

Land uses along the south side of Mission Street on the project block include the five-story office building with surface parking mentioned above and a seven-story light industrial building containing a storage business at the southeast corner of Mission and Eleventh Streets. Land uses on the south side of Mission Street east of Tenth Street consist of one- to three-story office, commercial, industrial, church buildings and associated surface parking with some residential uses.

Land uses along the north side of Mission Street on the project block consist of non-residential uses, including a paved surface parking lot and the existing six-story portion of the mixed use office/restaurant/ wholesale retail/parking building (1455 Market Street) which extends from Mission Street to Market Street along Eleventh Street and has an existing 20-story tower on the Market Street corner. East of the project site, north of Mission Street between Tenth and Ninth Streets, is occupied primarily by non-residential uses, consisting of surface parking areas and one- to four-story buildings occupied by restaurant, commercial, office, light industrial, and residential uses.

South of the project site, and along the west side of Tenth Street between Mission and Howard Streets, uses consist of two- to three-story buildings occupied by commercial, industrial, office, auto service, and residential uses. The east side of Tenth Street, south of the project site, between Mission and Howard Streets, is occupied by a surface parking area and one- to four-story buildings with retail, office, commercial, and light industrial uses.

North of Mission Street, the west side of Tenth Street, between Mission and Market Streets, contains the paved surface parking lot mentioned above, which is the site of an approved Mercy Housing residential building. North of Mission Street, on the east side of Tenth Street between Mission and Market Streets, are the one-story restaurant and parking area mentioned above and an 11-story office building.

¹ It should be noted that in the South of Market area, streets that run in the northwest/southeast direction, such as 10th and 11th Streets are generally considered north-south streets, whereas streets that run in the southwest/northeast direction, such as Mission, Market, and Howard Streets are generally considered east-west streets.

C. COMPATIBILITY WITH ZONING, PLANS, AND POLICIES

	<i>Applicable</i>	<i>Not Applicable</i>
Discuss any variances, special authorizations, or changes proposed to the <i>Planning Code</i> or Zoning Map, if applicable.	☒	☐
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	☒	☐
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☒	☐

San Francisco Planning Code

The *San Francisco Planning Code (Planning Code)*, which incorporates the City's Zoning Maps, implements the *San Francisco General Plan (General Plan)* and governs permitted uses, densities, and configuration of buildings within the City. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the proposed project conforms to the *Planning Code*, (2) allowable exceptions are granted pursuant to provisions of the *Planning Code*, or (3) amendments to the *Planning Code* are included as part of the proposed project.

The project is located adjacent to, but not within two active planning areas—the Market-Octavia and Western SoMa planning areas. The Market-Octavia and adjacent areas are undergoing transition. The proposed project and other major developments in the project vicinity are part of a trend toward increased development density, to concentrate activities along established commercial streets such as Market and Mission Streets, and to develop new housing close to established transit lines. The areas adjacent to the project site in the Market-Octavia Plan Area would be within the proposed "Van Ness-Market Downtown Residential Special Use District." The new Market-Octavia zoning would facilitate and encourage new high-density housing by lifting residential density limits, and allowing floor-area ratio bonuses above the existing maximum. The Market-Octavia Plan would generally lower height limits for properties fronting Mission Street east of Van Ness Avenue from 130 feet to 85 feet, extending to the western property line of the subject property, which currently has a height limit of 130 feet, but is not included in the Market & Octavia Plan area. Therefore, the project, as proposed, would be inconsistent with the proposed height rezoning of the adjacent Market-Octavia Plan.

Planning efforts for the Western SoMa are at a preliminary stage, and the provisions of any future plan are uncertain. A Draft Community Plan released "for discussion only" indicates that future zoning for the Tenth Street corridor could continue to allow commercial and industrial uses at lower building levels

with residential uses permitted only at the third floor of buildings or higher. In contrast to the Market-Octavia and Mid-Market areas, the Western SoMa Draft Plan appears to be intended to maintain the prevailing scale of development and preserve arts and light industrial uses. However, increased densities could be permitted in some limited areas, such as a proposed "Downtown Folsom Corridor" between Seventh and Tenth Streets.

The project site is within a Heavy Commercial (C-M) zoning district and a 130-L height and bulk district. A residential use, such as the proposed project, is a conditionally permitted use in a C-M district at a density ratio not exceeding the number of dwelling units permitted in the nearest R district, provided that the maximum density ratio shall in no case be less than that for an RM-4 district. The nearest R district to the project site is Service/Light Industrial/Residential (SLR), located immediately east of the site. Both the SLR and RM-4 districts permit up to one dwelling unit per 200 sq.ft. of lot area. Thus, the permitted residential density at the project site is one unit per 200 sq.ft. of lot area. The basic Floor Area Ratio (FAR) limit in the C-M district is 9.0 to 1 (*Planning Code* Table 124). Because it is a corner lot, the project site is eligible for a 25 percent floor area premium that increases the permitted FAR limit to 11.25 to 1 (*Planning Code* Section 125(a)). In summary, under the existing zoning the building could be a maximum of 130 feet in height, and could contain a maximum of 57 dwelling units and up to 128,520 gross square feet of floor area.

The project site is located within the proposed Mid-Market Redevelopment Project Area which extends generally from Fifth to Tenth Streets along the Market and Mission Street corridors. On October 18, 2005, the San Francisco Redevelopment Agency (SFRA) recommended approval of the Redevelopment Plan for the Mid-Market Redevelopment Project Area. Under a delegation agreement with the SFRA, the Planning Department, in implementing the Plan if it were to be adopted, concurrently proposed to administer land use regulations, specifically proposed zoning changes in the form of a proposed Mid-Market Special Use District (SUD). Under the proposed Mid-Market SUD, the site would potentially change its zoning from C-M to Downtown General Commercial (C-3-G). In 2005, the Planning Commission recommended that the Board of Supervisors adopt both the proposed Mid-Market Redevelopment Plan and the proposed Mid-Market Special Use District, but no approval to date has occurred at the Board level, nor is it foreseeable that the Board would hear or consider approval of the proposed plan. Since the Redevelopment and Planning Commissions forwarded the Mid-Market Redevelopment Plan to the Board, two relevant pieces of legislation were enacted (related to parking in C-3 districts and inclusionary housing requirements citywide) which substantially affect the proposed SUD. The SUD would therefore require substantial reconsideration and re-drafting and would necessitate a fresh round of review and approval at the Planning Commission. This is unlikely and there is no current activity to do so. Therefore

land use restrictions and allowances designed under the proposed Mid-Market SUD are not applicable to review or consideration of the proposed project. Discussion of the Mid-Market SUD is merely intended to provide background into recent past planning efforts undertaken for the project area.

Under current regulations, the project as proposed would require the following zoning changes:

- Planning Code Text Amendment (under *Planning Code* Section 302), to establish a new Tenth & Mission Special Use District (SUD). The Tenth and Mission Streets SUD would (a) eliminate restrictions on residential density; (b) eliminate the FAR limit for residential uses; (c) allow exceptions to the open space requirement under *Planning Code* Section 309; (d) allow exceptions to the dwelling unit exposure requirement under *Planning Code* Section 309.
- Zoning Map Amendment (under *Planning Code* Section 302), to reflect a new Tenth and Mission SUD, to rezone the project site from C-M to C-3-G, and change the height & bulk district from 130-L to 150-S.

Under the proposed C-3-G zoning, residential density up to one dwelling unit per 200 sq.ft. of lot area is a principally permitted use (*Planning Code* Section 215(a)), while greater residential density, as determined by the Planning Commission pursuant to Section 303(c), is a conditionally permitted use (*Planning Code* Section 215(b)). The project would require conditional use approval for residential density in the proposed C-3-G district.

Overall development density in the C-3 Districts is generally regulated by Floor Area Ratio (FAR), and all uses in the C-3 Districts (with very minor exceptions, such as for ground floor retail) are counted toward this total. Parcels in each C-3 district are permitted to build up to a base FAR amount (6.0:1 in the C-3-G) and then must acquire Transferable Development Rights (TDR) in order to exceed this limit up to a maximum cap. The Transferable Development Rights program (Section 128), is intended to preserve historic buildings throughout the downtown by requiring the purchase of unused development credits from eligible historic buildings. The proposed Tenth and Mission SUD would exempt residential uses from Floor Area Ratio calculations, reducing the demand for TDR credits and therefore contributing to the undermining of this program for historic preservation and surpassing the intended overall average density of the area. Significant exemptions from FAR for major classes of uses (e.g. housing) or entire buildings in the C-3 and elimination of the TDR program is not currently proposed or considered in any planning effort or policy document.

Because the proposed project (if rezoned) would include construction in a C-3 district, it would require Downtown Permit Review (Section 309 of the *Planning Code*). Pursuant to Section 309 and the proposed Tenth and Mission Special Use District, the project would require exceptions to the following requirements:

- **Dwelling Unit Exposure.** *Planning Code* Section 140 requires at least one room within a dwelling unit to face directly on an open area that is either (i) a public street or alley that is at least 25 feet in width, (ii) a side yard or rear yard that meets the requirements of the *Planning Code*, (iii) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. Pursuant to the provisions of the proposed 10th and Mission SUD, an exception is required for the exposure of several of the units overlooking the open area at the southeastern corner of the site. The open area measures 37 feet by 32 feet, i.e., it is at least 25 feet in every dimension. However, the open area does not increase by five feet at each succeeding level, and an exception is therefore required.
- **Rear Yard.** *Planning Code* Section 134 allows the Planning Commission to reduce the 25 percent residential rear yard requirement provided the building location and configuration provide adequate light and air to residential units and open space. The proposed project would require an exception, because the open area would be located in a 42-foot by 32-foot courtyard at the southwestern corner of the property.
- **Off-Street Parking.** Under *Planning Code* Sections 151.1 and 204.5, the proposed project is permitted by right to provide up to one off-street, accessory parking space for every four dwelling units proposed, or 39 spaces, and an additional 15 spaces for the ground-floor retail/personal service use. Pursuant to the procedures in *Planning Code* Section 309 and 151.1(e), the Planning Commission may authorize additional parking spaces up to the following amounts: up to 0.5 independently accessible spaces per unit; up to 0.75 spaces per unit for any residential unit; and up to one space for two-bedroom units with more than 1,000 sq.ft. of occupied floor area. The project includes a four-level garage that would accommodate up to 78 self-park or 136 valet spaces and therefore requires an exception to authorize parking above the principally permitted amount.

It should be noted that a conditional use application for dwelling unit density in excess of one unit per 125 square feet of lot area was submitted and later withdrawn.² Conditional use authorization for dwelling-unit density (under *Planning Code* Section 215(b)) would not be necessary given the amendments to the *Planning Code* proposed above.

The proposed project would also require approval by the Department of Building Inspection (DBI) for demolition and site permits and temporary construction easements from the Department of Public Works for construction along the street and sidewalk. Any curb or road modifications would require approval by the Department of Parking and Traffic.

² This information is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of the project file 2005.0540C.

Plans and Policies

San Francisco Plans and Policies

In addition to the *San Francisco Planning Code* and zoning policies, development in the City is subject to the *San Francisco General Plan*. The *San Francisco General Plan* provides general policies and objectives to guide land use decisions. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project.

The San Francisco Planning Commission adopted an updated Housing Element of the *General Plan* in May 2004. The San Francisco Board of Supervisors approved the Housing Element in September 2004, and the State Department of Housing and Community Development certified the Element in October 2004. In June 2007, however, the First District Court of Appeals ruled that the updated Housing Element should have been addressed in an EIR. Therefore, this Initial Study refers to relevant policies of both the 2004 Housing Element and the 1990 Residence Element (the previous version).

The 2004 Housing Element of the General Plan "sets forth objectives, policies, and implementing programs to address the critical housing needs" of the City. The 2004 Element addresses the City's goals "of achieving decent, suitable, and affordable housing for current and future San Franciscans." The City intends to address the issues of housing production and affordability in part through a Citywide Action Plan (CAP), which "explores comprehensively the issue of how to meet the need for housing and jobs in ways that capitalize upon and enhance the best qualities of San Francisco as a place."

The objectives of the 2004 Housing Element address new housing supply, housing retention, housing condition, affordability, housing choice, homelessness, density/design/quality of life, and State and regional needs. With regard to housing production, Policy 1.1 of the 2004 Housing Element encourages higher residential density in areas adjacent to downtown and locating housing in areas well served by transit. This policy is similar to Policy 1.1 in the 1990 Residence Element; the 2004 Housing Element also calls for allowable densities in established residential areas to be set at levels which will promote compatibility with prevailing neighborhood scale and character.

Policy 1.5 of the 2004 Housing Element supports the development of affordable housing on surplus public lands. This policy is a modified version of the 1990 Residence Element policy, which calls for

promoting the development of permanently affordable housing on surplus, underused, and vacant public lands.

Relevant housing affordability policies in the 2004 Housing Element include Policy 4.2, which calls for affordable units in larger housing projects. This policy is the same as Policy 7.2 in the 1990 Residence Element. Density/design/quality of life policies in the 2004 Housing Element include Policy 11.1, a new policy which calls for using new housing as a means to enhance neighborhood vitality and diversity, and Policy 11.5, which promotes well-designed housing that enhances existing neighborhood character. The corresponding policy in the 1990 Residence Element calls for housing that conserves existing neighborhood character.

The proposed project would contribute about 156 units to the City's housing supply, thereby helping to meet the City and regional needs for housing. In addition, the sponsor would designate 23 of these units as affordable housing on site, in compliance with the City's Residential Inclusionary Affordable Housing Program. The project would be served by several MUNI lines and would be near the Van Ness MUNI Station. The project would include retail/commercial uses that could enhance the streetscape along Mission and Tenth Streets. The project would increase the density of the project site and vicinity, and the proposed buildings would be taller than the existing uses on the project site. The potential impacts of the project on visual quality and neighborhood character are discussed in Sections E.1 (Land Use and Land Use Planning) and E.2 (Aesthetics) of this Initial Study.

Other elements in the *General Plan* that are relevant to the proposed project include the Community Safety Element, the Recreation and Open Space Element, the Transportation Element, and the Urban Design Element.

Policy 2.1 of the Community Safety Element advocates that new construction meet current structural and life safety standards. Through its permit review process, DBI would ensure that the proposed project would meet these current standards.

Recreation and Open Space Element Policy 2.3 preserves sunlight in public open spaces; the proposed project would not conflict with this policy as it does not have the potential to shade any public open space.

Transportation Element Policy 11.3 encourages development that efficiently coordinates land use with transit service; as noted above the project site is in an area well served by transit. Policy 24.2 supports maintaining and expanding the planting of street trees; the project would plant street trees where currently there are none. Policy 30.5 supports allocating a portion of the provided off-street parking

spaces for compact automobiles, bicycles and motorcycles. The project would include a 52-space bicycle storage area.

Policy 1.1 of the Urban Design Element promotes recognizing and protecting major views in the city. Policy 1.3 recognizes that buildings, when seen together, produce a total effect that characterizes the city and its districts. Policy 3.1 promotes harmony in the visual relationships and transitions between new and older buildings. Policy 3.2 supports avoiding extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance. Policy 3.3 promotes efforts to achieve a high quality design for buildings to be constructed at prominent locations. Policy 3.5 promotes relating the height of buildings to important attributes of the city pattern and to the height and character of existing development. Policy 3.6 promotes relating the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction. As noted above, the potential impacts of the project on visual quality are discussed in Section E.2 (Aesthetics) of this Initial Study, and will be weighed by decision-makers in their decision to approve or deny the proposed project. Policy 4.10 encourages the provision of recreation space in private development. Policy 4.12 promotes installing, promoting and maintaining landscaping in public and private areas. The proposed project would include an open space component, and would include some landscaping in the form of street trees.

The proposed project is in the part of San Francisco covered by the *Downtown Area Plan*, an Area Plan of the *General Plan*. Objectives and policies in the various elements of the General Plan are typically duplicated in area plans, and the objectives and policies in an area plan are generally more detailed and focused. The *Downtown Area Plan* is the policy document that guides growth and development of the mixed-use neighborhood in the Downtown Area, which extends from The Embarcadero to past Van Ness Avenue, north of Market Street and south to Folsom Street, and includes most of the Financial District.

The *Downtown Area Plan* contains a number of policies that address urban design. Policy 13.1 advocates relating the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development. Policy 15.1 supports ensuring that new facades relate harmoniously with nearby facade patterns. Policy 15.2 supports assuring that new buildings contribute to the visual unity of the city. Policy 16.1 supports conserving the traditional street to building relationship that characterizes downtown San Francisco. Policy 16.4 promotes using designs and materials and including activities at the ground floor to create pedestrian interest. As noted above, the potential impacts of the project on visual quality are discussed in Section E.2 (Aesthetics) of this Initial Study, and will be weighed by decision-makers in their decision to approve or deny the proposed project.

The *Downtown Area Plan* also includes policies relating to loading configuration. Policy 21.1 supports providing off-street facilities for freight loading and service vehicles on the site of new buildings sufficient to meet the demands generated by the intended uses, and seeking opportunities to create new existing buildings. Policy 21.2 discourages access to off-street freight loading and service vehicle facilities from transit preferential streets, or pedestrian-oriented streets and alleys. Mission Street is a transit preferential street; however loading access for the proposed project would be from 10th Street (see Figure 2, page 3). The proposed project's impacts related to transportation, including its loading demand, will be analyzed in the Draft EIR.

The project site lies immediately outside the southeastern edge of the Market & Octavia proposed Van Ness/Market Downtown Transit Residential Special Use District ("Downtown Residential SUD"). The proposed Downtown Residential SUD—adjacent to the project site—would use an underlying C-3-G zoning district, and encourage the development of high-density, mixed-use buildings close to transit services on Market Street and Van Ness Avenue. The Market and Octavia Neighborhood Plan identifies the area as appropriate for residential development and envisions its eventual transformation into a dense, full-service neighborhood.

The project site is located to the north of the Western SoMa planning area, which terminates at Minna Street. A community planning process for the Western SoMa is being conducted by the Western SoMa Citizens Planning Task Force ("Task Force"), which was established by Board of Supervisors Resolution No. 731-04 in November of 2004. According to that resolution, the Task Force is charged with recommending policies to preserve residential enclaves, service and light industrial jobs, and arts and entertainment opportunities. The Task Force is also to consider policies to promote neighborhood-serving retail and guide increased heights and density in appropriate locations on arterial streets.

Currently permitted heights in the vicinity range from a high of 320 feet, on the block to the north of the project site, to a low of 50 feet, on the block to the south of the project site. The other corner lots at the intersection of Tenth and Mission Streets are in 150-S or 160-M height and bulk districts, and a 150-foot tall building was recently approved at the northwest corner. Permitted heights on individual blocks vary widely: on the block to the north, permitted heights range from 150 to 320 feet; on the block to the east, permitted heights range from 50 to 160 feet. Under the Market-Octavia Plan, heights of up to 400 feet would be allowed at the intersection of Market and Van Ness. However, permitted building heights along Mission Street adjacent to and west of the project site would be reduced to 85 feet from the currently permitted 130 feet. The variation in height between the proposed project and the adjacent sites within the Market-Octavia Plan is similar to that envisioned on adjacent blocks to the north and east.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *City Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, f, and g, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 13 a-d, Geology, Soils, and Seismicity); (7) landmark and historic building preservation (Question 4a, Cultural and Paleontological Resources); and (8) protection of open space (Questions 8 a and b, Wind and Shadow, and Questions 9a and c, Recreation).

Prior to issuing a permit for any project that requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects, providing information for use in the case report for the proposed project. The case report and approval motions for the proposed project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

Environmental plans and policies are those, like the *Bay Area Air Quality Plan* and the *Bay Area 2005 Ozone Strategy*, which directly address physical environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

Regional Plans and Policies

The five principal regional planning agencies and their over-arching policy plans to guide planning in the nine-county bay area include the Association for Bay Area Governments' (ABAG) "*A Land Use Policy Framework*" and *Projections 2005*, the Bay Area Air Quality Management District's (BAAQMD's) *Clean Air Plan* and *Bay Area 2005 Ozone Strategy*, the Metropolitan Transportation Commission's *Regional*

Transportation Plan – Transportation 2030, the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*, and the San Francisco Bay Conservation and Development Commission's *San Francisco Bay Plan*. Due to the size of the proposed project, there would be no anticipated conflicts with regional plans.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect ("Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated") the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental topic.

- | | | |
|--|--|---|
| ☒ Land Use | ☒ Air Quality | ☐ Geology and Soils |
| ☒ Aesthetics | ☒ Wind and Shadow | ☐ Hydrology and Water Quality |
| ☐ Population and Housing | ☐ Recreation | ☒ Hazards/Hazardous Materials |
| ☒ Cultural & Paleontological Resources | ☐ Utilities and Service Systems | ☐ Mineral/Energy Resources |
| ☒ Transportation and Circulation | ☐ Public Services | ☐ Agricultural Resources |
| ☒ Noise | ☐ Biological Resources | ☒ Mandatory Findings of Signif. |

1. Effects Found to be Potentially Significant

This Initial Study evaluates the proposed 1415 Mission Street residential and retail project to determine whether it would result in significant environmental impacts. Topics noted as "Potentially Significant Impact" will be further evaluated in the EIR assessment to determine whether a significant impact would occur. The proposed project, when combined with other projects in the area that are under construction, approved, or under review could have a significant cumulative land use impact, as well as a significant cumulative aesthetic impact. The proposed project would increase traffic, transit and parking demand in the area, and because traffic is a primary source of noise pollution, the cumulative traffic noise impact of the proposed project is not known and is potentially significant. The proposed project could also have a significant effect on wind and shadow due to its height and configuration. The potential cumulative land use, cumulative aesthetics, transportation and traffic, cumulative traffic noise, and wind impacts will be analyzed in the EIR. The EIR may provide a discussion of other topics such as project-specific aesthetics and land use and population, which are determined in this Initial Study not to be significant, but would be included in the EIR for informational purposes.

2. Effects Found Not to be Significant

The following potential individual and cumulative environmental effects of the proposed project have been determined either to be less than significant or to be reduced to a less-than-significant level through mitigation measures included in this Initial Study: project-specific land use and aesthetics, population and housing, cultural and paleontological resources, air quality, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, mineral and energy resources, and agricultural resources. These items are discussed with recommended mitigation measures, where appropriate, in Section E, and require no further environmental analysis in the EIR. All mitigation measures identified, including measures for archeological resources (**Mitigation Measure 1, page 87**), construction air quality impacts (**Mitigation Measure 2, page 91**) and hazardous materials (**Mitigation Measure 3, page 92, Mitigation Measure 4, page 92, and Mitigation Measure 5, page 94**) have been agreed to by the project sponsor and will be incorporated into the proposed project. As indicated above, the EIR will discuss project-specific aesthetics and land use, population, and air quality impacts for informational purposes although this Initial Study determined effects resulting from the proposed project would not be significant.

E. EVALUATION OF ENVIRONMENTAL EFFECTS

Except for the categories of cumulative land use and aesthetics, transportation, cumulative noise, and wind and shadow, the items on the Initial Study Environmental Evaluation Checklist have been checked either "Not Applicable," "No Impact," "Less Than Significant," or "Less Than Significant with Mitigation Incorporated." These categories indicate that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect in relation to these items. For items where the conclusion is "Potentially Significant Impact," the analysis will be included in the EIR. For Checklist items checked other than "Not Applicable," the Initial Study discusses that particular issue. For all of the items checked "Not Applicable," the conclusions regarding potential significant adverse environmental effects are based on field observation, staff and consultant experience and expertise on similar projects, and/or standard reference material available within the Planning Department, such as the Department's *Transportation Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each Checklist item, the evaluation has considered both the individual and cumulative impacts of the proposed project.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
1. LAND USE AND LAND USE PLANNING— Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐
c) Have a substantial impact upon the existing character of the vicinity?	☒	☐	☐	☐	☐

The project site is located in the northeast portion of San Francisco within the Mid-Market neighborhood, in a relatively level grade. The proposed project is one block south of Market Street, approximately two blocks south of the Civic Center area, and approximately one and one-half blocks east of Van Ness Avenue. The zoning district of the project site is Heavy Commercial (C-M) and the surrounding area is a mixture of zoning districts, including Downtown General Commercial (C-3-G) to the north, C-M and Downtown Support (C-3-S) to the east, Service/Light Industrial/Residential (SLR) to the south, C-M, Residential House, Three-Family (RH-3) and Residential Enclave District (RED) to the west.

The project site is within a 130-L height and bulk district that stretches from Tenth Street to Twelfth Street three blocks to the west, is bounded by Mission Street to the north and Minna Street to the south, and extends south to Howard Street west of Lafayette Street. There is a variety of height and bulk districts nearby, ranging in allowable height from 50 feet (south of the project site) to 320 feet (approximately one-half block north of the site).

Land uses in the vicinity of the project site are mixed and include commercial, office, retail (including apparel and custom T-shirts), restaurant, public storage, parking lots, and residential uses. There are many buildings of different type, size, and age. On the project block, heights vary from one to seven stories, and up to 30 stories in the project vicinity (approximately two blocks from the project site). Most buildings in the project vicinity are in the range of one to five stories. A number of projects with more intense land uses are under construction, approved, or under review in the area (please refer to Land Use Character, page 33, for discussion).

The project site is currently developed with an existing one-story commercial building and paved parking area. Adjacent to the project site, to the west, is 1449-1453 Mission Street, of which the western portion is occupied by a five-story office building and the eastern portion (adjacent to the project site) is occupied by a fenced, paved surface parking area. Adjacent to the project site, to the south, is a three-story residential hotel building with a social service use on the ground floor and residential uses above (122 Tenth Street). Tenth Street is located east of the project site, and Mission Street is located north of the project site.

Land uses along the south side of Mission Street on the project block consist of non-residential uses. Further west of the 1449-1453 Mission Street building is a paved surface parking area, and a seven-story light industrial building containing a storage business (1475 Mission Street) at the southeast corner of Mission and Eleventh Streets. Land uses on the south side of Mission Street east of Tenth Street are also non-residential. Between Tenth and Grace Streets is a three-story industrial building (1375-1385 Mission Street) and a paved surface parking area. Between Grace Street and Washburn Street, from west to east, are a vacant one-story church building (1349 Mission Street), a one-story office building (1345 Mission Street), a two-story office building (1339 Mission Street), and a three-story industrial building (1337 Mission Street). Between Washburn and Ninth Streets is a one-story commercial building (1321 Mission Street/104 Ninth Street).

Land uses along the north side of Mission Street on the project block also consist of non-residential uses. Opposite the project site on the north side of Mission Street is a paved surface parking lot mentioned above. Between the parking lot and Eleventh Street, occupying the remainder of the block to the west, is the existing six-story portion of the mixed use (office, commercial, and parking) 1455 Market Street building, which extends from Mission Street to Market Street along Eleventh Street and has an existing 20-story tower on the Market Street corner. East of the project site, the north side of Mission Street between Tenth and Ninth Streets is occupied primarily by non-residential uses. The northeast corner of Mission and Tenth Streets contains a one-story restaurant (1390 Mission Street) surrounded by a paved parking area. Farther east are a four-story commercial/office building (1370-1372 Mission Street), a four-story light industrial building (1360 Mission Street), a vacant two-story commercial building (1340 Mission Street), a four-story commercial building (1338 Mission Street), a three-story loft-style residential building (1328 Mission Street), a two-story commercial building (1310 Mission Street), and, at the northwest corner of Mission and Ninth Streets, a three-story building with a ground-floor restaurant and residential above (98 Ninth Street).

South of the project site is the three-story residential hotel building mentioned above. Farther south, at the northwest corner of Tenth and Minna Streets, is a three-story industrial building (128-130 Tenth Street). On the west side of Tenth Street between Minna and Natoma Streets from north to south are a two-story commercial/office building (138-142 Tenth Street), a three-story residential building (154 Tenth Street), and a two-story building with ground-floor auto service and office above (160 Tenth Street). On the west side of Tenth Street between Natoma and Howard Streets is a two-story light industrial (public storage) building (190 Tenth Street/1436 Howard Street). The east side of Tenth Street, south of the project site, is occupied by non-residential uses. At the southeast corner of Mission and Tenth Streets is the paved parking lot for the adjacent business mentioned above. Farther south, on the east side of Tenth Street, are a three-story commercial building (113 Tenth Street), a vacant three-story retail/office building (115 Tenth Street), a three-story commercial/office building (123-127-131 Tenth Street), a vacant three-story commercial/office building (141 Tenth Street), a vacant two-story commercial building (147-149 Tenth Street), a two-story light industrial building (151 Tenth Street), a one-story commercial building (165 Tenth Street), and, at the northeast corner of Tenth and Howard Streets, a four-story office building.

North of Mission Street, the west side of Tenth Street between Mission and Jessie Streets contains the paved surface parking lot mentioned above, site of an approved 136-unit affordable housing project by Mercy Housing. Farther north, between Jessie and Market Streets, a 35-story, 720-unit residential building (1401 Market Street) is under construction. North of Mission Street, on the east side of Tenth Street between Mission and Jessie Streets, are the one-story restaurant and parking area mentioned above. On the east side of Tenth Street between Jessie and Stevenson Streets is an 11-story office building (875 Stevenson Street).

Based on the discussion above, it is evident that the project site lies within a mixed use neighborhood with a variety of building sizes, ages and shapes. The EIR will include photosimulations of what the area is likely to look like with the proposed project and other construction in the area.

Land use impacts are considered to be significant if the proposed project would divide an established community, conflict with any applicable land use plan, policy, or regulation, or if there would be a substantial impact upon the existing character of land uses in the vicinity.

Community Division

The proposed project would replace an existing one-story building on the corner of 10th and Mission Streets with a 16-story building, but would not disrupt or divide the physical arrangement of surrounding uses and activities. The proposed project would be constructed within the existing lot

boundaries, would not interfere with or change the existing street pattern, or impede the passage of persons or vehicles. The surrounding uses and activities would remain and continue to interrelate with each other as they do at present.

Conflict with Adopted Plans and Regulations

As described above in Section C, Compatibility with Zoning, Plans, and Policies, the proposed project would not obviously or substantially conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed project adopted for the purpose of avoiding or mitigating an environmental effect.

Land Use Character

Significance criterion 1(c) was enacted as a Priority Policy by the voters of San Francisco in 1986 as reflected in Priority Policies 1 and 2 (see discussion on page 27). As discussed above, the proposed residential and retail building would not introduce new or incompatible land uses to the area. Although uses in the immediate project vicinity are primarily non-residential, small-scale residential land uses do exist and several large-scale residential projects are approved or under construction. Although the proposed project would be taller and a more intense land use than the immediately adjacent land uses, particularly residential developments, the proposed project would be consistent with the varied size, structures and mixed land use character of the area.

Existing residential buildings in the project vicinity include:

- the three-story building immediately south of the project site (122 Tenth Street),
- the three-story 154 Tenth Street building (approximately one-half block from the project site),
- three-story 1328 Mission Street building (approximately one-half block from the project site), and
- the three-story 98 Ninth Street building approximately one block east of the project site.

The following project in the project vicinity is under construction:

- the 179-unit Argenta project is under construction at One Polk Street.

The following projects in the project vicinity have been approved:

- the 720-unit 1401 Market Street project at the southwest corner of Market and Tenth Streets,
- the Mercy Housing project at 9th and 10th Streets between Mission and Jessie Streets, which includes two affordable housing developments:
 - (1) a 123-foot-tall, 136-unit affordable family housing project at the northwest corner of Tenth and Mission Streets, and
 - (2) a 107-unit affordable senior housing project at Ninth and Jessie Streets,

- the 56-unit mixed use residential/office/retail project at 77 Van Ness located on the southwest corner of Van Ness Avenue and Fell Street, and
- the 1,900 unit mixed use residential/retail Trinity Project at 1177 Market Street located on the southeast corner of Market and Eighth Streets.

Three projects in the vicinity are under review:

- Fox Plaza at Market and Hayes Streets, which would provide 250 dwelling units;
- 137 affordable rental units at 1400 Mission Street, proposed by the Tenderloin Neighborhood Development Corporation (TNDC) and Citizen's Housing; and
- 260 dwelling units at 55 Ninth Street, proposed by Argenta.

The intensity of the proposed project would be greater than the low-rise buildings in the project vicinity, but consistent with the existing taller and more intense uses in the project vicinity, as well as those that are proposed. The change to the land use character that would be effected by the proposed project would not rise to a level of potential significance.

Currently, permitted heights in the vicinity range from a high of 320 feet on the block to the north of the project site to a low of 50 feet on the block to the south of the project site. The scale and massing of the proposed building would be greater than the adjacent buildings to the south, and low-rise buildings on the opposite sides of Mission and Tenth Streets from the proposed project. The proposed 150-foot-tall building would not be consistent with the existing 130-L height and bulk district. However, the scale and massing of the proposed building would be consistent with other large buildings in the project vicinity, including the 20-story 1455 Market Street tower with six-story podium one-half block west of the site, the 11-story office building at 875 Stevenson Street one-half block north of the site, and the 30-story residential/ commercial/office Fox Plaza tower one block north of the site. The proposed project would also be relatively consistent with the scale and massing of the approved 123-foot-tall, 136-unit affordable Mercy Housing project at the northwest corner of Tenth and Mission Streets, the approved 35-story 1401 Market Street residential building at the southwest corner of Market and Tenth Streets, one block north of the project site, and the under-construction 17-story Argenta residential project at One Polk Street, one and one-half blocks north of the site. These buildings contain a mixture of residential and non-residential development characteristic of the Mid- Market area. The proposed uses would expand the residential and retail uses in the vicinity, would not conflict with surrounding uses in the area, as residential uses are a current use in the vicinity, and would not substantially or adversely change the character of surrounding land uses.

In summary, the proposed project would intensify existing land uses on the project site, but would not substantially or adversely alter the character of the neighborhood either by itself or in conjunction with other development in the area. These changes would not be considered a significant impact because the project would be consistent with the mixed-use character of the area and consistent with the changes affected by the transitioning nature of the project area.

Conclusion

The proposed project would add residential and retail uses, and intensify existing land uses on the project site, but would not physically divide an established community, conflict with adopted land use plans, or substantially and adversely alter the land use character of the vicinity. The proposed project's land use impacts would therefore be less than significant under CEQA. For informational purposes, project-specific land use issues will be discussed in the EIR.

Cumulative Effects

The project site is in a developed urban area in transition. The Land Use Character section, page 33, lists developments that are under construction, have been approved, or are being reviewed within a two-block radius to the north and west along Market and Mission Streets. Considering development under construction and development in the reasonably foreseeable future, development of the project site could result in cumulative land use impacts. The potential for cumulative land use impacts will be evaluated in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
2. AESTHETICS—Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	☐	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	☐	☐	☒	☐	☐

Scenic Vistas

The topography of the project area is essentially level, with surrounding urban development, which together limit views of other parts of the city, to narrow segments of the skyline visible along the corridors of Mission and Tenth Streets.

The nearest public open spaces in the project vicinity include: the Joseph L. Alioto Performing Arts Piazza (Civic Center Plaza), located three blocks to the north; Howard and Langton Mini-Park, located approximately four blocks east; Victoria Manalo Draves Park, located approximately five blocks east of the of the project site; and Hayes Green (also known as Patricia's Garden), located approximately five blocks west. None of these open spaces are visible from street-level vantage points at the project site.

The Joseph L. Alioto Performing Arts Piazza is a one-square-block park in the block bounded by Polk, McAllister, Larkin, and Grove Streets. The southern portion of the Piazza faces the project site; however, intervening buildings, including the 30-story Fox Plaza tower, the 20-story 1455 Market Street building, the 35-story 1401 Market Street building currently under construction, and the approved 123-foot-tall residential building at the northwest corner of Tenth and Mission Streets, will screen views of most, if not all, of the proposed project. Portions of the upper floors of the proposed project may be visible from the Piazza; however, due to the presence of intervening buildings, the project would not be visually prominent or differ substantially in character from the existing skyline. The upper portion of the proposed project may be visible from some north-facing locations in the upper levels of St. Joseph's Church, but, as with views from the Alioto Performing Arts Piazza, the proposed project would not be visually prominent or differ substantially in character from the existing skyline because of existing nearby high-rise buildings. Due to the greater distance between the project site and other open space areas, such as Howard and Langton Mini-Park, Victoria Manalo Draves Park, and Hayes Green, and the presence of intervening buildings, the upper floors of the proposed project may be visible from some locations in these parks, but the visible portion of the proposed project would constitute a small portion of the overall skyline. For this reason, the effects on views from these parks also would be less than significant.

The proposed project, at 16 stories, would be visible along Mission and Tenth Streets. Most views of the project site at street-level vantage points, including public sidewalks, are screened by intervening buildings. The project would not substantially alter views to the south along Tenth Street toward St. Joseph's Church, which is located one block south of the project site. Thus, the effect of the proposed project on views from street-level vantage points would be less than significant.

In summary, the proposed project would not be expected to substantially degrade or obstruct any scenic views or vistas, and this impact would be less than significant. For informational purposes, the project's effect on scenic vistas and views will be discussed in the EIR.

Scenic Resources

Scenic resources include resources of both the natural and built environment. The proposed project would not substantially damage any natural scenic resources, as none exists on the project site. Scenic resources of the built environment may include city landmarks that would be identified along a tour route, including, but not limited to, Coit Tower and the Golden Gate Bridge. The proposed project would not substantially damage scenic resources of the built environment, as none exist on the project site. The EIR will not discuss the proposed project's impact on scenic resources.

Views from Private Residences

The proposed project would be visible from some residential buildings in the area, including the second and third floors of the 122 Tenth Street building, adjacent to the project site to the south, the residential building at 154 Tenth Street farther south, the residential building at 1328 Mission Street, and the upper residential floors of the 98 Ninth Street building at the northwest corner of Ninth and Mission Streets. From all of these private residences, the proposed project could block views of the surrounding buildings and hills and portions of the sky. Reduced private views from some nearby residences would be an unavoidable consequence of the proposed project and would be an undesirable change for those individuals. Given the dense urban setting of the proposed project and the limited extent of the reduction in private views, the proposed project's impact on private views would not be considered a potentially significant environmental impact and will not be discussed in the EIR.

Visual Character

The immediate project vicinity is characterized by a variety of building heights and massing, building design, and land uses, ranging from traditional one- to seven-story buildings to the modern 30-story residential/commercial/office Fox Plaza tower one block north of the site (on Market Street), the 11-story office building at 875 Stevenson Street one-half block north of the site, and the six- to 20-story 1455 Market Street building one-half block west of the site. As mentioned above, St. Joseph's Church (1401 Howard Street), designated San Francisco Landmark Number 120, is located on the southwest corner of Tenth and Howard Streets, one block south of the proposed project site. There are scattered multi-family residential buildings, including the building immediately south of the proposed project at 122 Tenth

Street as well as buildings to the south and east, but most buildings in the vicinity are occupied by a variety of non-residential uses.

A number of projects are under construction, approved, or proposed in the project vicinity.

The following project in the project vicinity is under construction:

- the 17-story Argenta residential project is under construction at One Polk Street, under construction.

The following projects in the project vicinity have been approved:

- the 720-unit 1401 Market Street project at the southwest corner of Market and Tenth Streets,
- the Mercy Housing project at 9th and 10th Streets between Mission and Jessie Streets, which includes two affordable housing developments:
 - (1) a 123-foot-tall, 136-unit affordable family housing project at the northwest corner of Tenth and Mission Streets, and
 - (2) a 107-unit affordable senior housing project at Ninth and Jessie Streets,
- the 56-unit mixed use residential/office/retail project at 77 Van Ness located on the southwest corner of Van Ness Avenue and Fell Street, and
- the 1,900 unit mixed use residential/retail Trinity Project at 1177 Market Street located on the southeast corner of Market and Eighth Streets.

Three projects in the vicinity are under review:

- 120-foot-tall Fox Plaza residential project at Market and Hayes Streets;
- 137 affordable rental units at 1400 Mission Street, proposed by the Tenderloin Neighborhood Development Corporation (TNDC) and Citizen's Housing; and
- 260 dwelling units in a high-rise residential building at 55 Ninth Street, proposed by Argenta.

The majority of the buildings in the project vicinity are in the range of one to five stories, although there are a number of new, taller, and high-density commercial buildings up to 30 stories in height, and, as mentioned above, several buildings ranging in height up to 35 stories have been approved or are proposed in the vicinity of the project site.

The proposed building's height and form would reflect building types, heights, and massings of taller buildings found in the project vicinity, such as those discussed above. Allowable heights in the project area range from 40 to 320 feet. The façades of the proposed project would feature a combination of sections with glass curtain walls (which would include the ground-floor retail space) and sections with vertical walls articulated with windows and interspersed balconies. The appearance of the project would differ from early twentieth century buildings in the vicinity but the contemporary, rectilinear design and

ground-floor retail space of the proposed project would be consistent with the nearby late twentieth century buildings and approved high-rise buildings. The proposed project would add street trees along both the Mission and Tenth Street frontages, softening the street-level aesthetics of the proposed structure.

The proposed project would be among one of the taller structures in the neighborhood and would be visually prominent. The scale and massing of the proposed project would exceed that of most nearby buildings, but would be similar to the taller existing and approved buildings in the vicinity. Although the proposed building would be a visual change to the project site, the proposed project itself would not change the visual character of the existing neighborhood because the existing character is comprised of a variety of building heights and uses. The proposed project would be consistent with the neighborhood's transition in urban design towards taller buildings in the area.

Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and members of the public. A proposed project would therefore be considered to have a significant adverse effect on visual quality under CEQA only if it would cause a substantial and demonstrable negative change. The proposed project would not cause such a change. The proposed project's specific building design and aesthetic would be considered during the City's Planning approval and design review process. The proposed project would change the visual character of the project site, by replacing the site's one-story, 18-foot-tall building and 15-space surface parking lot with a mid-rise residential structure. Visual effects will be illustrated, depicted, and discussed in the EIR.

Light and Glare

The project site is currently occupied by a one-story commercial building and a paved parking area. The proposed project's construction of a 16-story, 150-foot tall residential and retail building would increase the level of lighting on the project site. Project lighting, visible from exterior vantage points, would consist of interior lighting of the residential lobby, garage entrance, and retail space on the ground floor, and interior lighting of the residential units on the upper floors. The project's lighting would be consistent with lighting typical of other high-rise buildings in the project vicinity. The proposed project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Exterior lighting would be consistent with similar lighting on surrounding land uses and the fixtures would be directed downward to minimize visible light on and off the project site. For these reasons, the proposed project would not generate obtrusive light or glare that would substantially impact other properties and would therefore not be a significant impact of the proposed project, and will not be analyzed further in the EIR.

Cumulative Effects

Cumulative effects on visual character will be analyzed in the EIR. The proposed project would not contribute to cumulative light and glare impacts in the area because the design of the proposed project would not use mirrored or reflective glass, as discussed above.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
3. POPULATION AND HOUSING –					
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

The San Francisco Bay Area is known for its agreeable climate, open space, recreational opportunities, cultural amenities, a strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support a strong demand for housing in San Francisco. Providing new housing to meet this strong demand is particularly difficult because the amount of land available is limited and land and development costs are relatively high. For these reasons, San Francisco consistently ranks as one of the most expensive housing markets in the United States.

Annual housing production in the city during the period of 1990-2005, ranged from a low of about 380 units in 1993 to a high of about 2,700 units in 2003.³ The citywide annual average over that 16-year period was about 1,430 units. In March 2001, the Association of Bay Area Governments (ABAG) projected regional needs in the Regional Housing Needs Determination (RHND) 1999-2006 allocation and

³ San Francisco Planning Department, San Francisco 2005 Housing Inventory, October 2006. Available online at www.sfgov.org/planning (through Citywide Policy Planning), or a copy may be reviewed by appointment at the Planning Department (Citywide), 1650 Mission St, Suite 400, San Francisco.

calculated the jurisdictional need of the City as 20,327 dwelling units, or an average yearly need of 2,716 net new dwelling units. A draft of ABAG's 2007-2014 Resource Housing Needs Allocations (RHNA) was published July 24 and revised August 9, 2007. The 2007-2014 RHNA anticipates the need of the City as 31,189 dwelling units, or an average yearly need of 3,898.63⁴

Population Growth

The project site contains no dwellings or residents, but the attended parking facility on the site has two employees. The proposed project would replace the existing 5,000-square-foot commercial building (used as part of a parking facility) with approximately 156 residential units and approximately 2,200 square feet of retail/personal services space. Based on an average household size of 1.90 residents, the addition of 156 new studio, one-, and two-bedroom dwellings would accommodate an estimated 296 residents on the site,⁵ and the 2,200 square feet of retail/personal services space would add approximately six full-time employees.⁶ In addition, an estimated five janitorial/maintenance workers would be employed for the residential component of the building, which, added to the proposed project's residents and retail employees, would result in an estimated on-site population of about 307 people, or a net increase of about 305 people. While potentially noticeable to immediately adjacent neighbors, this increase would not result in a substantial impact on the population of the City and County of San Francisco. The 2000 U.S. Census indicates that the population in the project vicinity is approximately 4,640 persons.⁷ The proposed project would increase the population near the project site by approximately 6.6 percent, and the overall population of the City and County of San Francisco by approximately 0.04 percent.⁸

The nine net new employee positions on the project site would not likely attract new employees to San Francisco, but if so, would not be a substantial increase to housing demand in the City. The increase in the number of both residents and employees on the project site would not be a substantial increase to the area-wide population, as discussed above. The proposed project would be located in an established urban neighborhood, and the resulting density would not exceed levels that are common to urban areas, such as

⁴ Information ABAG's 2007-2014 Regional Housing Needs Allocation can be found at www.abag.ca.gov/planning/housingneeds, or by clicking on http://www.abag.ca.gov/planning/housingneeds/pdfs/RHNA_Allocations_and_Technical_Document.pdf. Accessed December 2007.

⁵ The project site is located in Census Tract 176.01, which according to Census 2000 data, has an average household size of 1.90 persons (1.89 per rental unit and 2.05 per owner-occupied unit). The citywide average household size for Census 2000 was 2.3 persons per household.

⁶ Based on 350 square feet per retail employee rate, consistent with the Planning Department's *Transportation Guidelines*, October 2002.

⁷ The population estimate is based on data from the 2000 Census for Census Tract 176.01.

⁸ This calculation is based on the estimated Census 2000 population of 776,733 persons in San Francisco.

San Francisco. The existing development on the project site is not residential, therefore the proposed project would not displace residents or housing units. In light of the above, the proposed project would not be expected to induce a substantial amount of growth, or create an additional substantial demand for housing. The proposed project's population and housing impacts would therefore, be less-than-significant under CEQA.

A major theme in the debate over land use changes in San Francisco is how planning and zoning actions can help meet San Francisco's acute need for affordable housing. The project would comply with the City's Affordable Housing Program, and approximately 12 percent of its units would be two-bedroom units, which could serve to house families. While San Francisco has an ongoing shortfall in production of affordable housing, the development of up to 133 market-rate residential units—along with 23 affordable housing units as required by the Residential Inclusionary Affordable Housing Program—on a former commercial site in an area of mixed land uses that include residential, and within a zoning district where housing is a conditionally permitted use, would not contribute considerably to any adverse cumulative impact related to a citywide shortfall in affordable housing. By providing affordable and market-rate housing, the proposed project would help meet the Citywide need for housing.

Cumulative Impacts

The 179 dwelling units of the Argenta project, which is under construction at One Polk Street, would accommodate an estimated 340 residents. The 720 dwelling units of the approved 1401 Market Street project would accommodate an estimated 1,368 residents, the 136 affordable dwelling units of the approved Mercy Housing project at the northwest corner of Tenth and Mission Streets would accommodate an estimated 258 residents, the 56 unit mixed use residential/office/retail building at 77 Van Ness would accommodate an estimated 106 residents, the 1,900 unit Trinity project would accommodate an estimated 3,610 residents, and the 107 affordable dwelling units of the approved Mercy Housing project at Ninth and Jessie Streets would accommodate an estimated 203 residents. Three projects in the vicinity are under review: Fox Plaza at Market and Hayes Streets, which would provide 250 dwelling units and accommodate an estimated 475 residents; 137 affordable rental units at 1400 Mission Street, proposed by the Tenderloin Neighborhood Development Corporation (TNDC) and Citizen's Housing, which would accommodate an estimated 260 residents; and 260 dwelling units at 55 Ninth Street, which would accommodate an estimated 494 residents. These under-construction, approved, and proposed projects, together with the proposed project, would add 7,421 people, increasing the population in the vicinity⁹ by approximately 160 percent, and the population of San Francisco by approximately, one

⁹ Census Tract 176.01.

percent. While the population in the site vicinity would nearly double, it is in an urban setting well-served by public amenities, fully capable of accommodating the increased population and would not necessitate infrastructure improvements. Additionally, the project listed above would serve to meet the City's housing needs. Therefore, cumulative impacts of development in the area would be less than significant. For informational purposes, project-specific and cumulative population and housing impacts will be discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
4. CULTURAL AND PALEONTOLOGICAL RESOURCES— Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco <i>Planning Code</i> ?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of a archaeological resource pursuant to §15064.5?	☐	☒	☐	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐

Historic Architectural Resources

The existing one-story commercial (automotive service) building on the project site was constructed in approximately 1974 and is not listed in any survey or register of historic buildings. There are no designated landmarks or rated historic buildings on or adjacent to the project site, nor is the site within an historic district. Historic buildings in the project vicinity include St. Joseph's Church (1401 Howard Street, Designated San Francisco Landmark Number 120), located one block south of the proposed project site; the Orpheum Theater (1192 Market Street, Designated Landmark Number 94) located approximately three blocks to the northeast; the Path of Gold Light Standards (1-2490 Market Street, Designated Landmark Number 200), located as near as one block from the project site; the James Lick Baths (165 Tenth Street, Designated Landmark Number 246), located one-half block to the south; the Merchandise Mart (1301 Market Street, Category I in Article 11 of the *Planning Code*), located one block to the north; 201

Ninth Street (Category I in Article 11 of the *Planning Code*), located two blocks to the southeast; and the San Franciscan Hotel (1215 Market Street, Category II in Article 11 of the *Planning Code*), located three blocks to the northeast. None of these buildings would be affected by the proposed project. The proposed project would therefore not impact historic architectural resources, and this topic will not be discussed further in the EIR.

Archeological Resources

The proposed project would require excavation to a depth of approximately 37.5 feet for the four-level parking garage, and soils disturbance to a depth of approximately 45.5 feet below grade for a concrete mat foundation. The project site is underlain by variable depths of fill, ranging from approximately 5.5 to 7.5 feet. The project site is surrounded by recorded prehistoric sites of a wide range of types and periods.¹⁰ The project site does not appear to have been subject to any substantial improvement until 1949 when a service station occupied the site, and the native soils within the project site have been largely undisturbed except for the installation of underground gasoline storage tanks. Rather than removal of native soils, the site appears to have been filled at least partially with earthquake rubble. The project site is located upland, northwest of the former Sullivan Marsh area. Archeological resources present within the site would therefore have been preserved below or within fill deposits. With implementation of **Mitigation Measure 1, page 87**, which identifies a program of archaeological testing, monitoring, and data recovery, the proposed project's potential impact on CEQA-significant archeological resources, including human remains interred outside of formal cemeteries, would be reduced to a less-than-significant-level. Archeological resources, therefore, require no further analysis and will not be included in the EIR.

There are no known paleontological resources at the project site, and Mitigation Measure 1 would further reduce the project's impacts on paleontological resources. Therefore, the proposed project would not result in any adverse effects on paleontological resources. This topic will not be discussed further in the EIR.

¹⁰ Randall Dean, San Francisco Planning Department, Memorandum to Susan Mickelsen, Environmental Planner, San Francisco Planning Department, *Topic: Preliminary archaeological evaluation for project at 1415 Mission Street (2005.0540E)*, 7 May 2007.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
5. TRANSPORTATION AND CIRCULATION— Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☐	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (unless it is practical to achieve the standard through increased use of alternative transportation modes)?	☒	☐	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	☐	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	☐	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒	☐
f) Result in inadequate parking capacity that could not be accommodated by alternative solutions?	☒	☐	☐	☐	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.), or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	☒	☐	☐	☐	☐

The project site is not located near a public or private airport or within an airport land use plan area, therefore significance criterion 5(c) is not applicable. The proposed project does not include features that would substantially increase traffic-related hazards and the proposed project would be built within existing lot lines and would not impede emergency access. As a result, these potential impacts would be considered less-than-significant and will not be discussed further in the EIR.

The proposed project would increase the average daily on-site population from two existing employees to an estimated 307 persons (296 project residents, six retail/personal services employees, and five

janitorial/maintenance workers). The proposed project would increase traffic, transit, and parking demand in the area. Due to the magnitude of the proposed project's expected increase of on-site population, a transportation study is required to determine the proposed project's impact on transportation and circulation. The EIR will discuss the proposed project's potential individual and cumulative effects on traffic and circulation including intersection operations, transit demand, and impacts on pedestrian circulation, parking, including potential construction traffic impacts, and potential conflicts with adopted policies, plans, or programs supporting alternative transportation.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
6. NOISE—Would the project:					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐	☐
b) Result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
g) Be substantially affected by existing noise levels?	☐	☐	☒	☐	☐

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore criteria 6e and 6f are not applicable to the project site, and will not be discussed in the EIR.

Ambient noise and vibration levels in the project vicinity are typical of neighborhood noise levels in urban San Francisco, which are dominated by vehicular traffic including trucks, cars, MUNI buses, emergency vehicles; surrounding land use activities such as surrounding businesses; and temporary construction noise such as street repairs and other construction. The nearest sensitive receptors¹¹ to the project site would be nearby residents, including tenants of the building immediately south of the project site (122 Tenth Street), as well as 154 Tenth Street and 1328 Mission Street (both approximately one-half block from the project site) and 98 Ninth Street approximately one block from the project site.

Traffic Noise

Based on published scientific acoustic studies, traffic volumes would need to approximately double to produce a noticeable increase in ambient noise levels in the area. The increase of approximately 156 dwelling units, 78 to 136 parking spaces, and 2,200 square feet of commercial space would generate approximately 36 p.m. peak-hour vehicle trips.¹² This increase in vehicle trips is not likely to result in a doubling of traffic volumes in the area, which vary from 23,879 to 35,930 vehicles per day,¹³ Nevertheless, the EIR will analyze, project-specific, noise impacts related to traffic noise.

Building Equipment Noise

The proposed project would include new mechanical equipment, such as air conditioning units and chillers, which could produce operational noise. These operations would be subject to Section 2909 of Article 29 (the Noise Ordinance) of the San Francisco *Police Code* that limits noise from building operations. Substantial increases in the ambient noise level due to building equipment noise of the proposed project would not be anticipated. The proposed project would therefore, result in a less-than-significant operational noise impact and this topic will not be discussed in the EIR.

Interior Noise

The proposed project would be subject to Title 24 of the California Code of Regulations that establishes uniform noise insulation standards for residential structures. Title 24 requires that residential structures (other than detached single-family dwellings) be designed to prevent the intrusion of exterior noise so

¹¹ Sensitive receptors include children, the elderly, and those with heightened sensitivity to noise due to illness.

¹² CHS Consulting Group, *1415 Mission Street Project Transportation Study, Case No: 2005.0540E, Draft Report*, April 28, 2006. This report is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of the project file 2005.0540E.

¹³ Daily volumes at the intersection of Mission and Tenth streets vary from 23,879 to 35,930, per: San Francisco Department of Parking and Traffic, *Traffic Counts*, <http://www.sfgov.org/site/frame.asp?u=http://www.sfmta.com>, viewed 29 August 2007.

that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room. This standard is consistent with the City of San Francisco's Noise Element Policies for indoor residential use. For areas with background noise levels between 60 and 70 decibels, the *San Francisco General Plan* states that "new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design."¹⁴ Background noise levels have been measured at approximately 65 decibels.¹⁵ To ensure that occupants of the proposed residential units would not be adversely affected by proximity to traffic noise, noise insulation measures would be included as part of the design for the proposed project, as required by Title 24. The Department of Building Inspection (DBI) would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet Title 24 standards regarding sound transmission. If determined necessary by DBI to assure that the design would meet the interior noise level goal, a detailed acoustical analysis of the exterior wall architecture/structure could be required. With compliance with Title 24 noise insulation requirements, the existing noise environment would not significantly affect future occupants. The proposed project would therefore, result in a less-than-significant interior noise impact and this topic will not be discussed in the EIR.

Construction Noise

Demolition, excavation, and project construction would temporarily and intermittently increase noise and possibly vibration levels near the project site and may be considered an annoyance by occupants of nearby properties. During construction activity, which would take approximately 20 months, noise and vibration levels would be above existing levels in the project area and there would be times when construction noise could interfere with indoor activities in nearby residences, offices, and other businesses near the project site. Construction noise and vibration levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Construction noises associated with the proposed project would include demolition, excavation, truck traffic, foundation construction, steel erection, and finishing. Of these, demolition, excavation, site work, and erection of the new building's exterior would likely generate the most construction-related noise. Throughout the construction period there would be truck traffic to and from the site, hauling excavated materials and debris, or delivering building materials. It is anticipated that the construction hours would be normal working hours during the week, with possible work during nights or weekends.

¹⁴ *San Francisco General Plan*, Environmental Protection Element, Land Use Compatibility Chart for Community Noise.

¹⁵ *San Francisco General Plan*, Environmental Protection Element, Map 1, Background Noise Levels, 1974.

The San Francisco Noise Ordinance (Article 29 of the Police Code) regulates construction-related noise and is enforced by the Department of Building Inspection during normal business hours and the Police Department during all other hours. The noise ordinance requires that: 1) noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA¹⁶ at a distance of 100 feet from the source (the equipment generating the noise), 2) impact tools, such as jackhammers, must have both the intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW); and 3) if the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period. The increase in noise in the project area during the proposed project's construction would, therefore, not be considered a significant project-specific impact because it would be temporary, intermittent, and restricted in occurrence and level, and the contractor would be required to comply with the City's Noise Ordinance.

The proposed project is anticipated to include a concrete piling foundation, and would therefore not use pile driving. As a result, the proposed project would not create unusual levels of ground borne vibration that would disturb nearby residents or businesses, and vibration impacts would be less than significant.

Cumulative Effects

The proposed project's construction activities would be temporary in nature, and construction-related ambient noise level increases at locations greater than a few hundred feet from the project site would be incrementally small. As stated above, required construction noise reduction measures would be implemented in accordance with standard City practice for the proposed project, and other construction would be required to follow the same measures. Because the decibel and the dBA scales are logarithmic,¹⁷ noise generating activities have to double for there to be an apparent increase in noise, and noise attenuates with distance. Given that many of the projects under the cumulative scenario are already under construction or approved and would presumably be finished with construction before the proposed project's construction began, and that the distance between the project site and other projects currently under review is in the hundreds of feet, cumulative construction noise would be less-than-significant and the EIR will not address cumulative construction noise.

¹⁶ dBA is the symbol for decibels using the A-weighted scale. A decibel is a unit of measurement for sound loudness (amplitude). The A-weighted scale is a logarithmic scale that approximates the sensitivity of the human ear.

¹⁷ If one individual piece of construction equipment were operating at maximum permitted dBA—80 dBA at some point 100 feet away, and a second piece of equipment at a second project emitted the equivalent at the same time, the combined dBA at that point would be 83, a difference of 3 dBA.

As noted above in the transportation section, the Draft EIR will evaluate how much traffic will increase under the cumulative scenario including projects currently under construction, approved, or proposed. The Draft EIR will, therefore, evaluate the cumulative noise impacts resulting from increased traffic within the project vicinity.

In summary, interior, building equipment, project-specific traffic noise, and construction noise impacts of the proposed project would be considered less than significant. Cumulative traffic noise impacts could be potentially significant and, will therefore be analyzed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
7. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐

The Federal Clean Air Act (CAA), as amended, and the California Clean Air Act (CCAA) legislate ambient air standards and related air quality reporting systems for regional regulatory agencies to develop mobile and stationary source control measures to meet the standards. The Bay Area Air Quality Management District (BAAQMD) is the primary responsible regulatory agency in the Bay Area for

planning, implementing, and enforcing the federal and state ambient standards for criteria pollutants.¹⁸ Criteria air pollutants include ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter (PM₁₀ and PM_{2.5}) and lead.

The San Francisco Bay Area Air Basin encompasses the following counties: San Francisco, Alameda, Contra Costa, Marin, San Mateo, Napa and parts of Solano and Sonoma Counties. The basin has a history of air quality violations for ozone, carbon monoxide, and particulate matter and currently does not meet the state ambient air quality standards for ozone, PM₁₀, and PM_{2.5}.¹⁹ The BAAQMD has adopted air quality management plans over the years to address control methods and strategies to meet air quality standards, the latest being the *Bay Area 2000 Clean Air Plan*, *2001 Ozone Attainment Plan*, and *2005 Bay Area Ozone Strategy*.

Operation Emissions

"Greenhouse Gas" Emissions

Gases that trap heat in the atmosphere are often called greenhouse gases (GHGs). Both natural processes and human activities emit GHGs. The accumulation of GHGs in the atmosphere regulates the earth's temperature; however, emissions from human activities such as electricity production and vehicles have elevated the concentration of these gases in the atmosphere. This accumulation of GHGs has contributed to an increase in the temperature of the earth's atmosphere and contributed to climate change. The principal greenhouse gases are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Carbon dioxide is the "reference gas" for climate change, meaning that emissions of GHGs are typically reported in "carbon dioxide equivalent" measures.²⁰

Of the principal gases, carbon dioxide (CO₂) and methane are emitted in the greatest quantities from human activities. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs—with much greater heat-absorption potential than CO₂—include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific

¹⁸ State and Federal air quality standards and the Bay Area's attainment status can be viewed on the BAAQMD website at <http://www.baaqmd.gov>.

¹⁹ Ibid.

²⁰ Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

consensus that human-caused increases in GHGs has and will continue to contribute to global warming, although there is much uncertainty concerning the magnitude and rate of the warming.

The California Energy Commission estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of CO₂-equivalent GHG emissions. The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.²¹

In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at seven percent. Oil refining currently accounts for approximately six percent of the total Bay Area GHG emissions.²²

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of GHG would be progressively reduced, as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the ARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

In February 2002, the San Francisco Board of Supervisors passed the Greenhouse Gas Emissions Reduction Resolution, committing the City and County of San Francisco to a GHG emissions reductions goal of 20 percent below 1990 levels by the year 2012. In September 2004, the San Francisco Department of the Environment and the San Francisco Public Utilities Commission published the Climate Action Plan

²¹ California Energy Commission, Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 -Final Staff Report, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/cc/ccei/emsinv/emsinv.htm>.

²² BAAQMD, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002, November 2006. Available on the internet at: http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf.

for San Francisco: Local Actions to Reduce Greenhouse Emissions (Plan).²³ Although the Board of Supervisors has not formally committed the City to perform the actions addressed in the Plan, and many of the actions require further development and commitment of resources, it serves as a blueprint for GHG emission reductions.

Implementation of the proposed 1415 Mission Street Project would contribute to long-term increases in GHGs as a result of traffic increases (mobile sources) and residential and commercial building heating (area sources), as well as indirectly, through electricity generation. The project's incremental increases in GHG emissions associated with traffic increases and space heating would contribute to regional and global increases in GHG emissions and associated climate change effects. Neither the BAAQMD nor any other agency has adopted significance criteria or methodologies for estimating a project's contribution of GHGs or evaluating its significance. However, development of a single project could not generate sufficient emissions of GHGs to result in a significant impact in the context of the cumulative effects of GHG emissions such that it would impair the state's ability to implement AB32.

As new construction, the residential portion of the proposed project would be required to meet California Energy Efficiency Standards for Residential and Nonresidential Buildings, helping to reduce future energy demand as well as reduce the project's contribution to cumulative regional GHG emissions. Any conclusion regarding the effect of the project's incremental contribution to cumulative GHG emissions levels is speculative, and therefore no determination of significance can be made at this time.

However, in an effort to identify an individual project's contribution to GHG emissions, the EIR will provide a quantitative analysis of the proposed project's expected GHG emissions.

Other Emissions

The proposed project would affect local air quality by increasing vehicular traffic on nearby streets, and by adding stationary emissions (mechanical equipment) to the project site. According to the BAAQMD, vehicles are the primary source of operational project-related emissions.²⁴ The BAAQMD has established thresholds for projects requiring its review for potential air quality impacts.²⁵ These thresholds are based on the minimum size projects that the BAAQMD considers capable of producing cumulative air quality problems due to vehicular emissions. The BAAQMD generally does not recommend a detailed air quality

²³ San Francisco Department of the Environment and San Francisco Public Utilities Commission, Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions, September 2004.

²⁴ Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans, December 1999.

²⁵ *Ibid*, page 25.

analysis for residential projects with fewer than 320 single-family or 510 multi-family units, or projects that would generate fewer than 2,000 vehicle trips per day. The proposed project's 156 dwelling units and 2,200 square feet of retail/personal services space would generate an estimated 233 daily vehicle trips.²⁶ Therefore, the proposed project would not exceed the BAAQMD thresholds requiring a detailed air quality analysis.

Additional stationary source emissions, generated by mechanical equipment, and the combustion of natural gas for building space and water heating would be relatively minimal, and would therefore be considered less than significant. The proposed project would not violate any BAAQMD ambient air quality standard or contribute substantially to an existing or projected air quality violation. For all of the above reasons, the proposed project would not generate significant operational air quality impacts.

The proposed project would be generally consistent with the *General Plan* and such air quality management plans as the *Bay Area 2000 Clean Air Plan*, and the *Bay Area 2005 Ozone Strategy*. Additionally, the *General Plan*, *Planning Code*, and City Charter implement various transportation control measures identified in the *2005 Ozone Strategy* through the City's "Transit First" Program, bicycle parking requirements, transit development fees, and other actions. Accordingly, the proposed project would not contribute considerably to cumulative air quality impacts, nor would it interfere with implementation of the *2005 Ozone Strategy* or the *2001 Ozone Attainment Plan*, which are the applicable regional air quality plans developed to improve air quality towards attaining the state and federal ambient air quality standards. As such the operational characteristics of the proposed project would not result in cumulatively considerable increases in regional air pollutants.

Odors

The proposed project would not result in a perceptible increase or change in odors on the project site or in the vicinity of the proposed project, as it would not include uses prone to the generation of objectionable odors. Observation indicates that surrounding land uses are not sources of objectionable odors that would adversely affect project residents, and therefore would not adversely affect the proposed project's residents.

²⁶ CHS Consulting Group, 1415 Mission Street Project Transportation Study, Case No: 2005.0540E, Draft Report, April 28, 2006. This report is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of the project file 2005.0540E.

Construction Emissions

Site preparation activities, such as excavation, grading, foundation construction, and other ground-disturbing construction activity would affect localized air quality during the construction phases. The movement of heavy equipment would create fugitive dust (particulate matter including PM₁₀ and PM_{2.5}) and other pollutants related to diesel fuel combustion. Construction activities, in particular soil movement for foundation excavation and site grading lasting approximately five months, would create the potential for wind-blown dust adding particulate matter into the local atmosphere near the project site. Although more of a nuisance than a health hazard to most people, the dust could affect persons with respiratory diseases immediately downwind of the site, as well as any sensitive electronics or communications equipment. Seniors, children or other potentially sensitive receptors near the proposed project may be exposed to airborne dust associated with demolition and ground-disturbance activities. The BAAQMD, in its *CEQA Guidelines*, has identified a set of PM₁₀ and PM_{2.5} control measures for construction activities such as twice daily watering of exposed soil areas, daily sweeping of surrounding streets, covering of construction vehicle loads, and on-going construction truck maintenance to minimize exhaust emissions. In order to reduce the quantity of dust generated during site preparation and construction, the project sponsor has agreed to implement **Mitigation Measure 2** listing the BAAQMD PM₁₀ control measures (see Section F. Mitigation Measures, page 87). With the implementation of **Mitigation Measure 2**, construction-related air quality impacts of the proposed project would be reduced to a less-than-significant level.

Cumulative Impacts

The BAAQMD neither recommends quantified analysis of cumulative construction emissions nor provides thresholds of significance that could be used to assess cumulative construction emissions. The construction industry, in general, is an existing source of emissions within the Bay Area. Construction equipment operates at one site on a short-term basis, and when finished, moves on to a new construction site. Because construction activities would be temporary, the contribution to the cumulative context is so small as to be virtually immeasurable, and all of the appropriate and feasible construction-related measures recommended by the BAAQMD would be implemented (see **Mitigation Measure 2**). Accordingly, the contribution of construction emissions associated with the proposed project would not be cumulatively considerable.

In terms of cumulative local impacts, CO concentrations are expected to be lower under cumulative conditions than existing conditions, even with increased traffic and degradation in level of service at some intersections, because improved vehicle emission controls have continuously lowered CO emissions

in recent years and are anticipated to continue to do so as older vehicles continue to leave the statewide fleet. Therefore, cumulative CO impacts from increased traffic would be less than significant.

Conclusion

As discussed above, the proposed project would not conflict with applicable air quality plans, would not create significant operational or cumulative airborne emissions, and would not create objectionable odors. With the implementation of **Mitigation Measure 2, page 91**, the proposed project's construction-related air quality impacts would be reduced to a less-than-significant level. For informational purposes, the EIR will provide a quantitative GHG analysis. However, all air quality impacts have been mitigated to a less-than-significant impact and will not be discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
8. WIND AND SHADOW – Would the project:					
a) Alter wind in a manner that substantially affects public areas?	☒	☐	☐	☐	☐
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☒	☐	☐	☐	☐

Wind

Large buildings can redirect wind flows around and down to street level, resulting in increased wind speed and turbulence at the street level. To provide a comfortable wind environment, the City established comfort criteria for evaluation of proposed buildings.²⁷ The pedestrian comfort criteria are based on pedestrian-level wind speeds, which include the effects of turbulence. These adjusted wind speeds are referred to as "equivalent wind speeds." The *Planning Code* establishes an equivalent wind speed of seven miles per hour in seating areas and eleven miles per hour in areas of substantial pedestrian use as comfort criteria. New buildings and new additions to buildings may not cause ground-level winds to exceed these levels more than ten percent of the time year-round between 7:00 a.m. and 6:00 p.m. If existing wind speeds exceed the comfort level, new buildings and additions must be designed to reduce ambient wind speeds to meet these requirements. An exception to this requirement may be permitted but only if and to

²⁷ The *Planning Code* specifically outlines these criteria for several districts within the city. For CEQA purposes, the provisions of Section 148 apply city-wide, as described here.

the extent that the project sponsor demonstrates that the building or addition cannot be shaped to minimize ground level wind or wind-baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. The *Planning Code* also establishes a hazard criterion at an equivalent wind speed of 26 miles per hour for a single full hour per year. No building or additions to buildings would be permitted that would cause wind speeds to exceed the hazard level for more than one hour of any year. A wind analysis will be performed and the effects of the proposed project will be compared to the applicable criteria. The EIR will therefore, analyze the project's effects on existing wind conditions.

Shadow

The proposed project would shade adjacent properties, but would not increase the total amount of shading in the neighborhood above levels which are common and generally accepted in urban areas. Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. *Planning Code* Section 295 restricts net new shadow on public open spaces under the jurisdiction of, or to be acquired by, the Recreation and Park Department, by any structure exceeding 40 feet, unless the Planning Commission, in consultation with the Recreation and Park Commission, finds the impact to be less than significant. The nearest public open space in the vicinity of the project site under the jurisdiction of the Recreation and Park Department is the Joseph L. Alioto Performing Arts Piazza, located two blocks north of the project site. To determine whether this proposed project would conform to Section 295, a shadow fan study was prepared by the Planning Department.²⁸ The shadow fan study indicated that the proposed project does not have the potential to cast new shadow on the Joseph L. Alioto Performing Arts Piazza.

However, public open space not under Recreation and Park Department jurisdiction could be affected by the proposed project. A detailed shadow study was prepared and will be discussed in the EIR.

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<i>Topics:</i>					

²⁸ San Francisco Planning Department, letter dated August 23, 2007 (Case No. 2005.0540K), 1415 Mission Street, Shadow Analysis. A copy of this document is available for review, by appointment, at the Planning Department, 1650 Mission Street, San Francisco, in File No. 2005.0540E.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
9. RECREATION – Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☒	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐
c) Physically degrade existing recreational resources?	☐	☐	☒	☐	☐

The San Francisco Recreation and Park Department administers more than 200 parks, playgrounds, and open spaces throughout the City. System recreation facilities also include 15 recreation centers, 9 swimming pools, 5 golf courses, and more than 300 athletic fields, tennis courts, and basketball courts.²⁹ Recreation facilities within 0.5 miles the project site include the Joseph L. Alioto Performing Arts Piazza (Civic Center Plaza) located three blocks north of the site in the block bounded by Polk, McAllister, Larkin, and Grove Streets; Howard and Langton Mini-Park located approximately four blocks east of the site on Howard Street between Seventh and Eighth Streets; Victoria Manalo Draves Park located approximately five blocks east of the site on Folsom Street between Sixth and Seventh Streets; the Bessie Carmichael Park located on Seventh Street between Folsom and Harrison Streets, approximately five blocks east of the site; and Hayes Green (also known as Patricia's Garden), located on Octavia Street between Fell and Hayes Streets, approximately five blocks to the west. Within one mile of the site are two recreation centers: the Eugene Friend Recreation Center east of the project site on Sixth Street at Folsom Street, and the Hayes Valley Center west of the project site at Hayes and Buchanan Streets.³⁰

The Recreation and Open Space Element (Open Space Element) in the *General Plan* notes that "While the number of neighborhood parks and facilities is impressive, they are not well distributed throughout the City...The [unequal distribution] merits correction where neighborhoods lacking parks and recreation

²⁹ San Francisco Recreation and Park Department, http://www.parks.sfgov.org/site/recpark_index.asp?id=24168, accessed December 4, 2007; San Francisco Recreation and Park Department, Recreation Assessment Report, August 2004, page 21, at http://www.parks.sfgov.org/wcm_recpark/Notice/SFRP_Summary_Report.pdf, accessed December 4, 2007.

³⁰ San Francisco Recreation and Park Department, Recreation Assessment 2004, Maps, at http://www.parks.sfgov.org/site/recpark_index.asp?id=27310, accessed December 4, 2007. The Hayes Valley Center, less than one mile to the west of the project site is a Level 3 facility, and the Eugene Friend Recreation Center, less than one mile to the east of the project site is a Level 5 facility. Level 3 facilities offer clubhouses, fields, and after-school programs; Level 5 facilities offer gymnasiums, auditoriums, lights, and fields.

facilities also have relatively high needs for such facilities." The Open Space Element defines "high needs areas" as areas with high population density or high percentages of children, seniors, or low-income households relative to the City as a whole. The Open Space Element defines "deficient" areas as areas that are not served by public open space, areas with population that exceeds the capacity of the open spaces that serve it, or areas with facilities that do not correspond well to neighborhood needs.

The high need areas and deficient areas are shown in Figures 3 through 8 and Map 9 of the Open Space Element, and are based on information from the 1980 U.S. Census. The figures show that the 1415 Mission Street project site is within a "high need" area based on household income, and is not within a "high need" area based on overall population density, density of children, or density of seniors. The *General Plan* figures also show the project site to be underserved by public open space. Draft updated versions of the maps reflecting 2000 U.S. Census data show that the project site is still within an area considered "high need" according to the Open Space Element criteria for household income, and is not within a "high need" area based on overall population density, density of children, or density of seniors. The updated maps designate the area of the project site as high priority for recreation and open space improvements, but do not designate the project site as having service gaps, although the area immediately south and west of the project site is identified as having service gaps.³¹

In August 2004, the San Francisco Recreation and Park Department published a Recreation Assessment Report that evaluates the recreation needs of San Francisco residents. Nine service area maps were developed for the Recreation Assessment Report. The service area maps were intended to help Recreation and Park Department staff and key leadership assess where services are offered, how equitable the service delivery is across the City, and how effective the service is as it applies to the demographics of the service area. The maps (which were developed based on population served rather than distance) show that the project site is not within the service area for the nearest outdoor baseball or softball fields, multi-use fields or soccer pitches, swimming pools, recreation centers, or basketball or tennis courts. Compared to the standards recommended in the report, additional ball fields, multi-use/soccer fields, and outdoor basketball courts are needed for the City as a whole. Parts of District 6, the supervisorial district in which the project site is located, are considered underserved by recreation facilities. The project site is adjacent

³¹ San Francisco Recreation and Park Department, *Recreation and Park Acquisition Policy*, Second Public Draft, November 7, 2005, attached as Appendix C to the 2005 Capital Plan Update, http://parks.sfgov.org/site/capimp_index.asp?id=36403, accessed December 5, 2007.

to, but not within, the service area of the Edward Friend Recreation Center, and is outside the service area of the Hayes Valley Recreation Center, both listed above.³²

The proposed project would increase the on-site population by approximately 305 persons, and would provide approximately 3,375 sq.ft. of common usable open space at the penthouse (roof) level for the private use of residents. The proposed project would increase the demand for park and recreation facilities in the area, including those listed above, but the proposed project's increase in residents and employees would not be considered a substantial contribution to the existing high demand for public recreational facilities in this area and would not result in substantial physical deterioration of existing recreational resources.

Cumulative Effects

As discussed on page 42, current projects under construction, approved and proposed projects would increase the population of the project vicinity by approximately 7,421 persons, and contribute to a cumulative increase in demand for recreation facilities. The proposed project represents approximately four percent of this cumulative increase to the already high demand for recreation facilities in the vicinity.

As discussed above, the project vicinity is already identified in the *San Francisco General Plan* as a High Need Area (to be given the highest priority) for recreational facilities and improvements; therefore, the proposed project would not make a substantial cumulative contribution to the existing identified need for recreational facilities and improvements.

In summary, the proposed project would have a less than significant impact with regard to recreation and this topic will not be discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
10. UTILITIES AND SERVICE SYSTEMS—Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐

³² San Francisco Recreation and Park Department, Recreation Assessment 2004, pp. 20-23 and Maps, at http://parks.sfgov.org/site/recpark_index.asp?id=27310, accessed December 5, 2007.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	☐	☐	☒	☐	☐
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

The project site is within an urban area that is served by utility service systems, including water, wastewater and storm water collection and treatment, and solid waste collection and disposal. The proposed residential and retail building would increase demand for and use of such utilities and services, but not in excess of amounts expected and provided for in the area.

Wastewater and Stormwater Service

The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. The Southeast Water Pollution Control Plant (Southeast Plant) provides wastewater and stormwater treatment and management for the east side of the city, including the project site. No major new sewer or stormwater facilities or construction would be needed to serve the proposed project. The proposed project would meet the wastewater pre-treatment requirements of the San Francisco Public Utilities Commission, as required by the San Francisco Industrial Waste Ordinance in order to meet

Regional Water Quality Control Board requirements.³³ The 156 residential units of the proposed project would generate approximately 17,940 gallons of wastewater per day and the 2,200 square feet of retail space would generate a smaller amount.³⁴ The proposed project would not substantially increase the amount of stormwater runoff because the site is currently covered with impervious surfaces. While the proposed project would add to wastewater flows from the project site, it would not cause collection treatment capacity of the sewer system to be exceeded. The proposed project would therefore not substantially increase the demand for wastewater or stormwater treatment and would result in a less-than-significant wastewater service impact, and therefore will not be discussed in the EIR.

Water Service

The proposed project, with approximately 296 residents and eleven retail/personal services and janitorial/maintenance employees, would consume an estimated 19,914 gallons of water per day.³⁵ The parking facility on the site currently consumes an estimated 160 gallons of water per day.³⁶ Although the proposed project would incrementally increase the demand for water in San Francisco, the estimated increase in demand could be accommodated within anticipated water use and supply for San Francisco.³⁷ The new construction would also be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by the *California State Building Code* Section 402.0(c). As discussed under the Air Quality topic, during project construction, the project sponsor and project building contractor must comply with Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, which requires that non-potable water be used for dust control activities. Since the proposed project's water demand could be accommodated by the existing and planned supply anticipated under the San Francisco Public Utility Commission's 2005 UWMP and would use best-practice water conservation

³³ City and County of San Francisco, Ordinance No. 19-92, San Francisco Municipal Code (Public Works), Part II, Chapter X, Article 4.1 (amended), January 13, 1992.

³⁴ The residential wastewater estimate for the proposed project is 115 gallons x 156 units or 17,940 gallons per day. The estimate of 115 gallons per day per household of wastewater is based on water consumption estimates, which are consistent with water use assumptions incorporated within the San Francisco Public Utility Commission's Year 2000 Urban Water Management Plan.

³⁵ Based on current residential use in San Francisco of 62 gallons per capita per day and on an estimate of 80 gallons per employee-day (GED), (SFPUC, 2005 Urban Water Management Plan for the City and County of San Francisco (UWMP), December 2005 [2005 UWMP], pp. 40 and 41), available at www.sfwater.org. (62 gallons per day * 307 facility occupants = approximately 19,034 gallons of water demand per day, and 80 GED * 11 employees = 880 gallons of water demand per day.) The 2005 UWMP is available at www.sfwater.org, accessed for this report December 6, 2007.

³⁶ See footnote above. Based on conservative estimate of 80 gallons per employee-day (GED) (SFPUC, 2005 Urban Water Management Plan for the City and County of San Francisco (UWMP), December 2005, page 41, available at www.sfwater.org. (80 gallons per day GED * 2 employees = approximately 160 gallons of water demand per day.)

³⁷ San Francisco Public Utility Commission, 2005 UWMP. The 2005 UWMP uses the San Francisco Planning Department's current long range growth projections – Land Use Allocation 2002 – an estimate of total growth expected in the City and County of San Francisco from 2000 – 2025. These projections have similar employment growth and approximately 15,000 higher household growth than ABAG Projections 2002.

devices, the proposed project would result in less-than-significant project-specific and cumulative water impacts and this topic will not be discussed in the EIR.

Solid Waste

According to the California State Integrated Waste Management Act of 1989, San Francisco is required to adopt an integrated waste management plan, implement a program to reduce the amount of waste disposed, and have its waste diversion performance periodically reviewed by the Integrated Waste Management Board. Reports filed by the San Francisco Department of the Environment showed the City generated 1.88 million tons of waste material in 2002. Approximately 63 percent (1.18 million tons) was diverted through recycling, composting, reuse, and other efforts while 700,000 tons went to a landfill. The diversion percentage increased in 2002 from 52 percent in 2001.³⁸ Additionally, the City has a goal to divert most (75 percent) of its solid waste (through recycling, composing, etc.) by 2010 and to divert all waste by 2020.³⁹

Solid waste from the project site would be collected by Sunset Scavenger Company and hauled to the Norcal transfer station near Candlestick Point, and recycled as feasible, with non-recyclables being disposed of at the Altamont Landfill in Alameda County where it is required to meet federal, state and local solid waste regulations. The Altamont Landfill has a permitted maximum disposal of 6,000 tons per day and received about 1.34 million tons of waste in 2002 (the most recent year reported by the State). The total permitted capacity of the landfill is more than 124 million cubic yards; with this capacity, the landfill can operate until 2025.⁴⁰ Although the increased residential population and commercial activity resulting from the project and other development in the area would incrementally increase total waste generation from the City, the increasing rate of diversion through recycling and other methods would result in a decreasing share of total waste that requires deposition into the landfill. Given this, and given the long-term capacity available at the Altamont Landfill, the solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would result in

³⁸ City and County of San Francisco, Office of the Controller, Community Indicators Report, http://www.sfgov.org/wcm_controller/community_indicators/physicalenvironment/recycling/recycling.htm, accessed on December 6, 2007.

³⁹ "SF Green Ambitions," *Boston Globe*, December 14, 2007. Article available on the [sfenvironment.org](http://www.sfenvironment.org) website or by clicking on http://www.sfenvironment.org/our_sfenvironment/news.html?topic=details&ni=268. Accessed for this report December 19, 2007.

⁴⁰ California Integrated Waste Management Board, Active Landfill Profiles, Altamont Landfill, <http://www.ciwmb.ca.gov/Profiles/Facility/Landfill/LFPProfile1.asp?COID=3&FACID=01-AA-0009>, accessed December 6, 2007.

a less-than-significant effect, both project-specific and cumulatively when considered with other development in the area. For these reasons, solid waste will not be discussed in the EIR.

Conclusion

No new water delivery or wastewater collection and treatment facilities would be required to serve the proposed project. The proposed project's solid waste would be recycled as feasible at the Norcal transfer station, with non-recyclables disposed of at the Altamont Landfill, where adequate capacity exists to serve existing and future needs of San Francisco. The proposed project would incrementally increase the demand for water, wastewater, and other utilities on-site, but not in excess of anticipated demand projected for the City of San Francisco. Therefore, the proposed project would result in a less-than-significant utilities and service systems impact and this topic will not be discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
11. PUBLIC SERVICES— Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☐	☐	☒	☐	☐

Fire Protection

The project site receives fire protection services from the San Francisco Fire Department (SFFD). The nearest fire station, Station 36, is located approximately three blocks to the west at 109 Oak Street. The SFFD is made up of 1,629 uniformed firefighters, paramedics, officers, and inspectors. The SFFD has adequate personnel to meet the needs of the residents and visitors to San Francisco.⁴¹

⁴¹ Joanne Hayes-White, Chief of Department, and Andy Zanooff, Office of the Deputy Chief of Administration, San Francisco Fire Department, written communication with Aubrey Refuerzo, PBS&J, April 11, 2007. This letter is on file and available for public review by appointment as part of Case File No. 2006.1073E.

Although the proposed project would increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not be substantial in light of existing demand for fire protection services.

Furthermore, the proposed project would be required to comply with all applicable building and fire codes, which establish requirements pertaining to fire protection systems, including, but not limited to, the provision of state-mandated smoke alarms, fire alarm and sprinkler systems, fire extinguishers, required number and location of egress with appropriate distance separation, and emergency response notification systems. Since the proposed project would be required to comply with all applicable building and fire codes, and the proposed project would result in an incremental increase in demand, it would not result in the need for new fire protection facilities, and would not result in significant impacts to the physical environment. Hence, the proposed project would have a less-than-significant impact on fire protection services and the EIR will not discuss this topic further.

Police Protection

As discussed above, development of the project would increase visitors to the project site, which could incrementally increase police service calls in the project area. Police protection is provided by the Southern Police Station located at 850 Bryant Street, approximately seven blocks to the east. Although the proposed project could increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not likely be substantial in light of existing demand for police and fire protection services. Additionally, the Mayor's 2006-2007 Budget includes an eight percent funding increase for policing services in San Francisco, including the hiring of up to 98 additional police officers and support staff.⁴² Given staffing and funding increases in city-wide personnel, the Southern Station would be able to provide the necessary police services and crime prevention in the area. Meeting this additional service demand would not require the construction of new police facilities. Hence, the proposed project would have a less-than-significant impact on police services, and will not be discussed in the EIR.

Schools

Some residents of the 156 proposed dwelling units may be families with school age children. The 156 residential units would include approximately 54 studios, 83 one-bedroom units, and 19 two-bedroom

⁴² Gavin Newsom, City and County of San Francisco. *Mayor's Proposed Budget 2006-2007*.

units. The 102 one- and two-bedroom units would generate approximately 21 students.⁴³ This number of students may be increased somewhat by designation of 23 of the project's dwelling units as below market rate (BMR), for which the qualification criteria preferentially favor families. The 1,789 units identified under Topic 3 above, Population and Housing, page 42, would generate approximately 364 students. It is anticipated that the existing schools could accommodate these students. Nearby private schools include the Chinese American International School at 150 Oak Street and the International Christian School at 22 Waller Street, both approximately five blocks from the site. Bessie Smith Childcare Center is located at 95 Gough Street, approximately 1 mile from the project site. The nearest public elementary schools, approximately equidistant at about six blocks from the project site, are the Bessie Carmichael Elementary School (499 students) and Child Development Center at 375 Seventh Street, the Tenderloin Elementary School (359 students) at 627 Turk Street, and the Marshall Elementary School (652 students) at 1575 Fifteenth Street. The nearest public middle school is Everett Middle School (526 students) at 450 Church Street, approximately 12 blocks from the site, and the nearest public high school is Mission High School (864 students) at 3750 Eighteenth Street, approximately 12 blocks from the site.

The SFUSD is currently not a growth district, most facilities throughout the City are generally underutilized, and the SFUSD has more classrooms district-wide than it needs.⁴⁴ The proposed project and any other new development would be assessed \$2.24 per gross square foot of residential space under the District's development impact fee.⁴⁵ These funds could be used to rehabilitate underutilized schools to accommodate the students, if any, generated by the proposed project. Considering all of the above, the proposed project would not result in a significant unmet demand for school facilities. This topic will not be analyzed further in the EIR.

Cumulative Effects

Each public service provider must plan to accommodate growth within its service area under cumulative conditions. The proposed project would not exceed growth projections in the area, and as such, would be accommodated in the cumulative demand for services. This topic will not be discussed further in the EIR.

⁴³ The San Francisco Unified School District (SFUSD) uses a student generation rate of 0.203 students per new housing unit. See discussion in the Eastern Neighborhoods Rezoning and Community Plan Initial Study (Case No. 2004.0160E), Preliminary Draft 9-19-05 and the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR, March 2004; page 5-44; prepared for the U.S. Department of Transportation Federal Transit Administration, City and County of San Francisco, Peninsula Corridor of Joint Powers Board, and San Francisco Redevelopment Agency. A copy of this document is available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2004.048E, and also online at www.transbayproject.org. Accessed for this report 30 August 2007.

⁴⁴ San Francisco Unified School District, Facilities Master Plan, 2003.

⁴⁵ Paul Cardoni, State Fund Manager, San Francisco Unified School District, personal communication, 30 August 30, 2007.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
12. BIOLOGICAL RESOURCES— Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

The project site is within a developed urban area and is completely covered by impervious surfaces. The project area does not include riparian habitat or other sensitive natural communities as defined by the California Department of Fish and Game and the United State Fish and Wildlife Service, therefore criteria 12b is not applicable to the project area. The project area does not contain any wetlands as defined by Section 404 of the Clean Water Act and the project area does not fall within any local, regional or state habitat conservation plans, therefore criteria 12c and 12f are not applicable to the proposed project. The project site does not provide habitat for any rare or endangered plant or animal species, and the proposed project would not affect or substantially diminish plant or animal habitats, including riparian or wetland

habitat. The project site does not provide vegetation capable of supporting avian species and the proposed project would not interfere with any resident or migratory species, or affect any rare, threatened, or endangered species. The proposed project would not interfere with species movement or migratory corridors. The proposed project would not conflict with any local policies or ordinances directed at protecting biological resources.

The San Francisco Board of Supervisors recently adopted legislation that amended the City's Urban Forestry Ordinance, *Public Works Code* Sections 801 et. seq., to require a permit from the DPW to remove any protected trees. Protected trees include landmark trees, significant trees, or street trees located on private or public property anywhere within the territorial limits of the City and County of San Francisco. No trees exist on or adjacent to the project site and therefore, none would be removed with the proposed project. DPW requires additional street trees be added as feasible along certain streets, and the project would include street trees along both the Mission and Tenth Street frontages. Based on the above, the proposed project would not result in significant adverse impacts on biological resources. This topic will not be addressed in the EIR.

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
13. GEOLOGY AND SOILS –					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☒
f) Change substantially the topography or any unique geologic or physical features of the site?	☐	☐	☐	☒	☐

The proposed project site is not in an area subject to landslide. Therefore, criterion 13a.iv is not applicable. The proposed project would connect to the City's sewer and stormwater collection and treatment system and would not use a septic waste disposal system. Therefore, criterion 13e is not applicable to the project site.

Based on its San Francisco location, it is likely that the site would experience periodic minor earthquakes and potentially a major (moment magnitude [Mw] greater than 7.1 characteristic) earthquake on one or more of the nearby faults during the life of the proposed development. The project site is located approximately 11 kilometers east of the San Andreas Fault, 17 kilometers east of the San Gregorio North Fault, and 18 kilometers west of the northern Hayward Fault. The Working Group for California Earthquake Probabilities estimates a 62 percent probability of an earthquake of Mw 6.7 or greater occurring on one of the major faults in the Bay Area by 2031.⁴⁶

The project site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known fault or potentially active fault exists on the project site. In a seismically active area, such as the San Francisco Bay area, the possibility exists for future faulting in areas where no faults previously existed. The geotechnical investigation performed for the project site⁴⁷ found no evidence of

⁴⁶ Working Group for California Earthquake Probabilities, a group assembled by the U.S. Geological Survey, Earthquake Hazards Program. Its analysis is available online for review at <http://quake.usgs.gov/research/seismology/wg02/>.

⁴⁷ Treadwell & Rollo, Environmental and Geotechnical Consultants, *Geotechnical Investigation*, 1415 Mission Street, San Francisco, California, 27 March 2007. This report is on file at the Planning Department in Project File #2005.0540E, Fifth floor, 1650 Mission Street, San Francisco.

active faulting on the site and concludes that the risk of surface faulting is low. However, during an earthquake along any of the major faults mentioned above, the ground at the project site would experience strong to very strong shaking. Strong shaking during an earthquake can result in ground failure associated with soil liquefaction, lateral spreading, and differential compaction (also referred to as cyclic densification).

The Community Safety Element of the *General Plan* contains maps that indicate areas of the city where one or more geologic hazards exist. Maps 2 and 3 in the Community Safety Element of the *General Plan* show the intensity of ground shaking in San Francisco from two of the most probable earthquakes, one of magnitude 7.1 on the San Andreas Fault and one of magnitude 7.1 on the northern segment of the Hayward fault. The project site is in a Seismic Hazards Study Zone designated by the California Division of Mines and Geology as an area subject to "non-structural" damage from seismic groundshaking along both the Peninsula segment of the San Andreas Fault and the Northern segment of the Hayward fault. The project site is not in an area subject to landslide, seiche, or tsunami run-up, or reservoir hazards (Maps 5, 6, and 7 in the Community Safety Element).⁴⁸

The project site is at an elevation of approximately 35 feet above Mean Sea Level (MSL) and is essentially level. A one-story commercial building occupies the southern portion of the project site, and a paved parking area occupies the remainder of the property.

Based on the geotechnical report prepared for the project site, the parking lot at the project site is covered by two inches of asphaltic concrete over five inches of aggregate baserock.⁴⁹ The asphalt pavement is underlain by approximately 5.5 to 7.5 feet of very loose to medium dense sand fill. The fill is undocumented, and likely not engineered. The fill is underlain by medium dense to very dense Dune sand to depths of about 18 to 20 feet below ground surface (bgs). Below the Dune sand is a three to five foot thick layer of loose to very dense silty sand. Underlying this layer to the maximum depth explored (101 feet) is a layer of dense to very dense sand with varying amounts of silt and clay. The subsurface investigation included two borings drilled to depths of approximately 96 to 101 feet below the existing parking lot. Groundwater levels were not directly observed due to the type of drilling (rotary-wash) utilized; however, based on borings from adjacent sites groundwater levels are estimated at depths of 14.5 to 17.5 feet bgs. Exploratory borings on the project site in 2006 encountered groundwater at

⁴⁸ City and County of San Francisco, Community Safety Element, *San Francisco General Plan*, April 1997.

⁴⁹ Treadwell & Rollo, Environmental and Geotechnical Consultants, *Geotechnical Investigation*, 1415 Mission Street, San Francisco, California, 27 March 2007. This report is on file at the Planning Department in Project File #2005.0540E, Fifth floor, 1650 Mission Street, San Francisco, op cit.

approximately 20 feet below ground surface (bgs), and groundwater levels have been measured in nearby monitoring wells at depths ranging from 16 to 20 feet bgs.⁵⁰ For a discussion of groundwater resources, please refer to page 76.

The project site is located in an area delineated by the California Division of Mines and Geology as historically or potentially subject to liquefaction (Map 4 in the Community Safety Element). The geotechnical consultant encountered medium dense silty sand with varying clay content below the groundwater between depths of 18.5 to 35 feet bgs, and preliminarily concluded that there may be isolated zones where liquefaction may occur. The liquefaction zones appear to be discontinuous. The project site could be located on expansive soils. The geotechnical consultant estimated that there could be up to two inches of liquefaction-induced settlement in the ground surface during a major earthquake, if the sand liquefies. Because the anticipated excavation for the basement levels would remove these layers, liquefaction settlement should not affect the building; however, this settlement may affect adjacent sidewalks and streets.

Because the site is relatively flat and there is no historical evidence of lateral spreading at the site, the geotechnical consultant concluded that the potential for lateral spreading is low. Differential compaction (also referred to as cyclic densification) of non-saturated sand due to earthquake vibrations can cause ground surface settlement. The upper 16 feet of very loose to medium dense, non-saturated sand and silty sand encountered at the site is susceptible to cyclic densification because of its low to moderate relative density. The geotechnical consultant estimated that ground surface settlement due to cyclic densification during a major earthquake at the site in its present state could be on the order of several inches. The proposed excavation for the basement levels would replace this area of loose sand, and therefore, differential compaction should not affect the proposed building. However, similar to the liquefaction discussion above, the surrounding sidewalk and streets may be affected by potential settlement during an earthquake. This settlement would be in addition to the liquefaction settlement discussed above. The geotechnical report prepared for the project site did not identify any substantial risk due to expansive soil that would be created by the project.

The proposed project would not substantially change the topography of the site or any unique geologic or physical features of the site.

⁵⁰ Treadwell & Rollo, Phase I Environmental Site Assessment – 1415 Mission Street, San Francisco, California, 4 October 2006. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of the project file 2005.0540E.

For any development proposal in an area of liquefaction or expansion potential, DBI will require the project sponsor to prepare an updated geotechnical report pursuant to the State Seismic Hazards Mapping Act, in its review of the building permit application. The report would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazard(s). The geotechnical analysis completed for the proposed project made recommendations for foundation design, dewatering, shoring and underpinning for adjacent buildings and improvements, and other geotechnical aspects of the proposed project. The geotechnical analysis found the site suitable for development provided that geotechnical recommendations were incorporated into the design and construction of the proposed project. The project sponsor has agreed to follow the recommendations of the current and any updated geotechnical report in constructing the proposed project.

To ensure compliance with all applicable Building Code provisions regarding structural safety, when reviewing the geotechnical report and building plans for a proposed project, DBI will ensure that the engineering and design features for the proposed project would reduce potential damage to structures from ground shaking and other seismic and geologic hazards. Potential damage to structures from geologic hazards would therefore be mitigated through the DBI review of the building permit application and implementation of the Building Code.

For all of the above reasons, the proposed project would not result in significant impacts related to geology, topography, or seismic or soil hazards, either individually or cumulatively. The EIR will not discuss these topics.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
14. HYDROLOGY AND WATER QUALITY— Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	☐	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒

As discussed in the section pertaining to geology and soils, above, the project site is not in an area subject to tsunami run-up, or reservoir inundation hazards (Maps 6, and 7 in the *General Plan Community Safety Element*). Therefore, criteria 14 g, h and j would not be applicable to the project site.

The City of San Francisco does not currently participate in the National Flood Insurance Program (NFIP) and no flood maps are published for the City. The Federal Emergency Management Agency (FEMA) is revising Flood Insurance Rate Maps (FIRMs), which support the NFIP, for San Francisco Bay Area communities. As part of this effort, FEMA plans to prepare a FIRM for the City and County of San Francisco for the first time. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco. The preliminary map is for review and comment only; FEMA anticipates that the final map will be

published in September 2008⁵¹. FEMA has tentatively identified special flood hazard areas (SFHAs)⁵² along the City's shoreline in and along the San Francisco Bay consisting of "A zones" (areas subject to inundation by tidal surge) and "V zones" (areas subject to the additional hazards that accompany wave action). According to the preliminary map, the project site is not within an A zone or a V zone⁵³. In addition, there are no natural waterways within or near the project site that could cause stream-related flooding. Therefore, no impacts related to placement of housing or other structures in a 100-year flood zone would occur, and this topic will not be analyzed in the EIR.

Water Quality

The proposed project would not substantially degrade water quality or contaminate a public water supply. Groundwater is not used as a drinking water supply in the City and County of San Francisco. The project site is completely covered with impervious surfaces and natural groundwater flow would continue under and around the site. Construction of the proposed project would not increase impervious surface coverage on the site nor reduce infiltration and groundwater recharge. Therefore, the proposed project would not substantially alter existing groundwater or surface flow conditions.

Because the proposed project would not change the amount of impervious surface area at the site, there also would be no increase in the quantity and rate of storm water runoff from the site that flows to the city's combined sewer system. Site drainage would be redesigned with the proposed project, but site runoff would continue to drain to the city's combined storm and sanitary sewer system. The foundation and portions of the building below grade would be water tight to avoid the need to permanently pump and discharge water. Because storm water flows from the proposed project could be accommodated by the existing combined sewer system, and because there would not be an expected increase in stormwater flows, the proposed project would not significantly impact surface or ground water quality.

Over the construction period, there would be a potential for erosion and transportation of soil particles during site preparation, excavation, foundation pouring, and construction of the building shell. Once in surface water runoff, sediment and other pollutants could leave the construction site and ultimately be released into the San Francisco Bay. Stormwater runoff from project construction would drain to the

⁵¹ City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf, accessed November 12, 2007.

⁵² A special flood hazard area is the flood plain that is at risk from the 100-year flood (a flood having a one-percent chance of occurrence in a given year).

⁵³ Federal Emergency Management Agency, Preliminary Flood Insurance Rate Map, City and County of San Francisco, California, Panel 120, September 21, 2007, available on the Internet at http://www.sfgov.org/site/uploadedimages/risk_management/j120A.jpg, accessed December 14, 2007.

combined sewer and stormwater system and be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Pursuant to *Building Code* Chapter 33 (Excavation and Grading) and the City's NPDES permit, the project sponsor would be required to implement measures to reduce potential erosion impacts. During project operation, all wastewater from the proposed project building, and storm water runoff from the project site, would be treated at the Southeast Water Pollution Control Plant. Treatment would be provided pursuant to the effluent discharge standards contained in the City's National Pollutant Discharge Elimination System (NPDES) permit for the plant. During operations and construction, the proposed project would be required to comply with all local wastewater discharge and water quality requirements. Therefore, the proposed project would not substantially degrade water quality.

Groundwater Resources

Exploratory borings in 2006 encountered groundwater at approximately 20 feet below ground surface (bgs), and stabilized groundwater levels have been measured in nearby monitoring wells at depths ranging from 16 to 20 feet bgs.

Due to the anticipated depth of excavation of approximately 37.5 feet for the four-level parking garage, and soils disturbance to a depth of approximately 45.5 feet below grade for a concrete mat foundation, dewatering would likely be necessary during excavation. The Bureau of System Planning, Environment and Compliance of the Public Utilities Commission must be notified of projects requiring dewatering, and may require groundwater analysis before discharge into the local wastewater system. Any groundwater discharged during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77) that groundwater meet specified water quality standards before it may be discharged into the sewer system.

Should dewatering be necessary, the final soils report would need to address the potential settlement and subsidence impacts of this dewatering. Based on this discussion, the soils report would determine whether or not a lateral movement and settlement survey should be conducted to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey were recommended, DPW would require that a Special Inspector (as defined in Article 3 of the Building Code) be retained by the project sponsor to perform this monitoring. Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during construction, groundwater recharge would be used to halt this settlement. The project sponsor would delay construction if necessary. Costs for the survey and any necessary repairs to service lines under the street would be borne by the project sponsor. If dewatering

were necessary, the project sponsor and its contractor would follow the geotechnical engineers' recommendations regarding dewatering to avoid settlement of adjacent streets, utilities, and buildings that could potentially occur as a result of dewatering.

Based on the information presented above, the proposed project would not have significant water quality, groundwater, or erosion impacts. Therefore, these topics will not be discussed further in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
15. HAZARDS AND HAZARDOUS MATERIALS – Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	☐	☐	☒	☐	☐

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, significance criteria 15 e and f would not apply to the project site. The City has adopted an ordinance (Ordinance 253-86, signed by the Mayor on June 27, 1986), which requires analyzing soil for hazardous wastes within specified areas, known as the Maher area, when over 50 cubic yards of soil is to be disturbed and on sites specifically designated by the Director of Public Works.⁵⁴ The project site falls outside the boundary of the Maher Ordinance and, therefore, would not be subject to this ordinance.

A Phase I and Phase II Environmental Site Assessment (ESA) were prepared for the project site.^{55;56} A Phase I ESA assesses possible environmental concerns related to on-site or nearby chemical use, storage, handling, spillage, or disposal, with particular focus on potential degradation of soil or groundwater quality. The Phase I ESA also reviews the land use history of the project site and operating practices at or near the site to assess potential hazards from reported chemical releases on nearby properties and the potential migration of chemicals, contaminants, and toxics onto the project site. A Phase II ESA generally involves subsurface testing of soil and/or groundwater to define the presence, absence, or extent of hazardous materials impacts in areas of known or suspected contamination. The results of the Phase I and Phase II ESAs for the project site are described under the heading Project Site, below.

Surrounding Area

Surrounding property historically has been used for commercial and light industrial purposes. From the 1940s to the 1970s there were several automotive repair facilities and gasoline stations within a two-block radius of the site. At the present time, adjacent property uses include retail, mixed-use, the California Institute of Integral Studies, public storage, parking lots, and a restaurant. During the site reconnaissance, no apparent signs of chemical releases or spills were noted at any nearby properties, although as described below several offsite areas have been identified that have impacted soil and groundwater in the vicinity.

Project Site

Based on historic aerial photographs (dating from 1931) and historic *Sanborn Fire Insurance Maps* (dating from 1889), it appears that the project site was vacant until approximately 1949. According to available

⁵⁴ The Maher Ordinance applies to that portion of the City bayward of the original high tide line, where past industrial uses and fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residue in soils and groundwater. The ordinance requires that soils must be analyzed for hazardous wastes if more than 50 cubic yards of soil are to be disturbed.

⁵⁵ Treadwell & Rollo, *Phase I Environmental Site Assessment, 1415 Mission Street, San Francisco, California*, 4 October 2006.

⁵⁶ Treadwell & Rollo, *Phase II Environmental Site Assessment, 1415 Mission Street, San Francisco, California*, 11 April 2007.

records, it was then occupied by a service station from 1949 until 1972, when the property is no longer listed as a "gas and oil" facility on the Sanborn maps. Sanborn maps from 1974 and aerial photographs from 1977 show the site as it is currently, with a single-story building on the southern side and the remainder of the site occupied by a parking lot.

The project site is not listed on the California Department of Toxic Substances Control Hazardous Waste and Substances Sites List or in database reports from state and federal regulatory agencies that identify businesses and properties that handle or have released hazardous materials or waste.

The Phase I ESA identified four recognized environmental conditions at the project site: the potential presence of underground storage tanks (USTs); the presence of hydraulic hoists; potential contaminants associated with historic fill soils; and petroleum hydrocarbon contamination from one or more off-site sources. As noted in project geotechnical study, a strong hydrocarbon odor was detected in samples taken from a boring at the project site.⁵⁷ The Phase I and Phase II ESAs identify the most likely offsite source of contamination as the former fuel station operations at 1400 Mission Street. This site is approximately 78 feet northeast and up- to cross-gradient from the project site, and is listed in a number of regulatory agency databases based on historic releases from gasoline and BTEX⁵⁸ compounds.

The Phase II ESA was prepared⁵⁹ to address issues identified by the Phase I ESA, and assesses the likely source of any identified contamination at the site. The Phase II report makes recommendations regarding additional investigation and/or remediation work that may be required at the project site. Work conducted for the Phase II ESA included collecting soil samples of the fill material and underlying native soil from six exploratory borings, chemical testing of selected samples, and evaluation of the results. The Phase II ESA concludes that contaminants of concern in shallow soils do not exceed the Regional Water Quality Control Board's (RWQCB's) Environmental Screening Levels (ESLs) for residential soils; however in soils between 19 and 25 feet below ground level, some contaminants, including lead, TPH (Total petroleum hydrocarbons), and TRPH (Total recoverable petroleum hydrocarbons), exceed the ESLs. The Phase II ESA recommends geophysical investigation of whether any historic USTs remain onsite; soil sampling under the hydraulic hoists; and preparation of a soil management plan (SMP) and a health and

⁵⁷ Treadwell & Rollo, Environmental and Geotechnical Consultants, *Geotechnical Investigation, 1415 Mission Street, San Francisco, California*, 27 March 2007. This report is on file at the Planning Department in Project File #2005.0540E, Fifth floor, 1650 Mission Street, San Francisco.

⁵⁸ BTEX is an acronym that stands for Benzene, Toluene, Ethylbenzene, and Xylenes.

⁵⁹ Treadwell & Rollo, *Phase II Environmental Site Assessment, 1415 Mission Street, San Francisco, California*, 11 April 2007.

safety plan. The San Francisco Department of Public Health additionally recommends⁶⁰ that the geophysical investigation include surrounding sidewalk areas, filing permits prior to removing the hoists, and including dust suppression in the SMP.

Based on the information discussed above, the Phase I ESA found that previous investigations had identified soil and groundwater contamination as originating from an off-site source. It suggested that further investigation was warranted to rule out potential on-site sources, including hydraulic hoists and earthquake fill material, which may contain elevated levels of petroleum hydrocarbons and heavy metals, as is typical for the area. The Phase II investigation concluded that the hydraulic hoists did not likely contribute to impacted soil and groundwater, and recommended further investigation of other potential sources. Implementation of **Mitigation Measure 3, page 92**, and **Mitigation Measure 4, page 92**, would reduce the impact of the identified conditions, including the presence of impacted soil and groundwater at the project site, to a less-than-significant level. The recommendations of the Department of Public Health regarding geophysical investigation of surrounding sidewalk areas and including dust suppression in the SMP are incorporated into Mitigation Measures 3 and 4, respectively. Prior to removal of the hydraulic hoists on the project site, existing regulations require the project sponsor to obtain permits from the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department.

Proposed Use

Operating the new building would involve handling a range of common types of hazardous materials, such as paints, cleaners, toners, solvents, and disinfectants. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate storage, handling, and disposal procedures. Businesses are required by law to ensure employee safety by identifying hazardous materials, and adequately training workers. For these reasons, hazardous materials use for operating the proposed residential and retail building would not pose a substantial public health or safety hazard to the surrounding area.

⁶⁰ City and County of San Francisco Department of Public Health, Division of Occupational and Environmental Health, letter to Steven Kay, R&K Investments, May 9, 2007. This document is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review, by appointment, as part of the project file 2005.0540E.

Hazardous Building Materials

Asbestos

Due to the age of the existing commercial building on the site, it may contain asbestos-containing building materials (ACBM). Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The BAAQMD is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or asbestos abatement work. The notification must include the names and addresses of the operations and the names and addresses of persons responsible; location and description of the structure to be demolished/altered, including size, age, and prior use, and the approximate amount of friable (easily crumbled) asbestos; scheduled starting and completion dates of demolition or asbestos abatement work; nature of the planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The BAAQMD randomly inspects asbestos removal operations. In addition, the BAAQMD will inspect any removal operation about which a complaint has been received. Any ACBM disturbance at the project site would be subject to the requirements of BAAQMD Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

The local office of the State Occupational Safety and Health Administration must also be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow State regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of it. Pursuant to California Law, DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures established as part of the permit review process would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level.

Lead-Based Paint

Lead paint may be found in the existing building, constructed before 1974 and proposed for demolition as part of the proposed project. Demolition must be conducted in compliance with Chapter 34, Section 3407 of the *San Francisco Building Code (Building Code)*, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building, or the interior of occupied buildings built prior to or on December 31, 1978, and exterior work would disturb more than 100 sq.ft. or 100 linear feet of lead-based paint, Section 3407 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 34, Section 3407 contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of work debris beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The Ordinance also includes notification requirements, contents of notice, and requirements for project site signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide the Director of the DBI with written notice that describes the address and location of the proposed project; the scope and specific location of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential; whether it is owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include: a Post Sign notifying the public of restricted access to work area, a Notice to Residential Occupants, Availability of Pamphlet related to protection from lead in the home, and Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures, already established as part of the building permit review process, would ensure that potential impacts of the proposed project due to the presence of lead-based paint would be reduced to a less-than-significant level.

Other Potential Hazardous Building Materials

In addition to ACBM and lead-based paint, the existing building on the site may contain other potentially hazardous building materials such as polychlorinated biphenyl (PCBs), contained primarily in exterior paint, sealants, electrical equipment, and fluorescent light fixtures. Fluorescent light bulbs are also regulated (for their disposal) due to their mercury content. The building contains seven hydraulic lifts which likely contain hydraulic oils. Inadvertent release of such materials during demolition could expose construction workers, occupants, or visitors to these substances and could result in various adverse health effects if exposure were of sufficient quantity. Although abatement or notification programs described above for asbestos and lead-based paint have not been adopted for PCBs, mercury, other lead-containing materials, or other possible hazardous materials, items containing these substances that are intended for disposal must be managed as hazardous waste and handled in accordance with Occupational Safety and Health Administration (OSHA) worker protection requirements. Potential impacts associated with encountering hazardous building materials such as PCBs, mercury, and lead would be considered a potentially significant impact. Hazardous building materials sampling and abatement pursuant to existing regulations prior to renovation work, as described in **Mitigation Measure 5, page 94**, would reduce potential impacts associated with PCBs, mercury, lead, and other toxic building substances in structures to a less-than-significant level. With implementation of **Mitigation Measure 5**, the proposed demolition and construction of the proposed project would not pose a direct (through material removal, if required) or indirect (through transport of materials or accidental release) public health hazard to the surrounding neighborhood.

Emergency Response Plans

The proposed project, as an infill development, would not interfere with existing emergency response or excavation plans. Occupants of the proposed building would contribute to congestion if an emergency evacuation of the South of Market area were required. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, project construction would have to conform to the provisions of the Building and Fire Codes which require additional life-safety protections for high-rise buildings.

Fire Hazards

San Francisco ensures fire safety primarily through provisions of the *Building* and *Fire Codes*. As noted above, for all projects over 75 feet, owners are required to establish procedures to be followed in the case of fire or other emergencies, and these procedures are required to be reviewed and approved by the chief of division. The final building plans for any new residential project greater than two units are also reviewed by the Department of Building Inspection (as well as the San Francisco Fire Department), in order to ensure conformance with these provisions. Therefore, potential fire hazards (including those associated with hillside development, hydrant water pressure, and emergency access) would be mitigated during the permit review process.

Conclusion

Potential public health and safety hazards related to the possible presence of hazardous materials on the project site, to the routine use of hazardous materials, and to potential fire hazards in the new building would be reduced to a less-than-significant level as a result of regulations and procedures already established as part of the building permit review process, **Mitigation Measure 3, Page 92, Mitigation Measure 4, Page 92, and Mitigation Measure 5, Page 94**. The EIR will not include a discussion of hazardous materials.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
16. MINERAL AND ENERGY RESOURCES— Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☒	☐	☐

No mineral resources are located on or near the project site; therefore mineral resources will not be affected by the proposed project, and criteria 16a and 16b are not applicable to the proposed project.⁶¹ New buildings in San Francisco are required to conform to current state and local energy conservation standards, including Title 24 of the California Code of Regulations. DBI enforces Title 24 compliance and documentation demonstrating compliance with these standards is submitted with the application for the building permit. The proposed project would, therefore, not cause a wasteful use of energy. The proposed project would not use substantial quantities of other non-renewable natural resources, or use fuel or water in an atypical or wasteful manner.

San Francisco consumers have experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem may be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, would be part of the statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental effect or contribute to a cumulative impact.

The proposed project would therefore not have a significant project-specific or cumulative effect on mineral or energy resources, and these topics will not be discussed in the EIR.

⁶¹ Environmental Protection Element, San Francisco General Plan, amended 2 December 2004.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
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17. **AGRICULTURE RESOURCES**—In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

- | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☐ | ☒ |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance, to non-agricultural use? | ☐ | ☐ | ☐ | ☐ | ☒ |

The project site is developed and is located in the City and County of San Francisco, an urban area, and therefore not agricultural in nature. The California Department of Conservation's Farmland Mapping and Monitoring Program does not identify any land in the County as agricultural in nature. Because the project site does not contain agricultural uses and it is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use, and would not conflict with any existing agricultural zoning or Williamson Act contracts.⁶² Accordingly, this topic is not applicable to the project site.

⁶² San Francisco is identified as "Urban and Built Up Land" on the California Department of Conservation *Important Farmland of California Map*, 2002. This map is available for viewing on-line at the Department of Conservation website (www.consrv.ca.gov).

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE—Would the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	☐
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☐	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	☐

Mitigation Measures 1 – 5, contained in Section F. below have been incorporated into the proposed project to address potential construction-related impacts to archeological resources air quality, possible underground storage tanks, soil contamination, and hazardous building materials. Implementation of these measures would reduce these potential impacts of the proposed project to a less than significant level. The proposed project could have a significant effect on wind and shadow due to its height and configuration; would increase traffic, transit, and parking demand in the area; and could have significant cumulative traffic noise impact. The potential transportation and traffic, noise, wind, and shadow impacts will be analyzed in the EIR.

Cumulative analysis depends on a prediction of possible future environmental changes well beyond construction of the proposed project. Potential project contributions to cumulative traffic at intersections in the vicinity will be analyzed in the EIR. The proposed project could contribute to a cumulatively considerable land use and aesthetic impact, and these topics will be analyzed in the EIR. The proposed project would not be considered to contribute incrementally to cumulative regional air quality conditions, cumulative population and housing impacts, cumulative recreation impacts, cumulative water service

impacts, cumulative solid waste impacts, cumulative school impacts, cumulative geology and soils impacts, or cumulative energy impacts.

Neighborhood Notice

Notification of a Project Receiving Environmental Review was sent out to the occupants of properties adjacent to the project site, owners within 300 feet, and to other interested parties in the neighborhood on May 19, 2006. Groups and individuals commented and expressed concern regarding potential effects of the proposed project including (section where analysis is contained immediately follows) height, context and scale of proposed project, neighborhood character, and residential density (Topic 1); transit, traffic, and bicycle facilities (Topic 5); wind and blockage of air and light (Topic 8); and effect on parks and open space (Topic 9).

F. MITIGATION MEASURES

The project sponsor has agreed to implement the following mitigation measures identified in this Initial Study, that are necessary to reduce potential construction-related archeological, air quality, soil contamination, and hazardous building material impacts to a less-than-significant level. These mitigation measures, as well as any additional mitigation measures included within the EIR, will also be contained in the EIR.

Mitigation Measure 1

Archeological Resources

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for up to a maximum of four weeks. At

the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce impacts to a less-than-significant level of potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that could potentially be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition,

foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the

proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification to the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure 2

Construction Air Quality

Consistent with the BAAQMD's dust control measures, the project sponsor shall require the construction contractor(s) to spray unpaved construction areas of the project site with non-potable water during demolition, excavation, grading, and site preparation activities at least twice per day; to cover stockpiles of soil, sand and other such material on-site and during hauling; and sweep surrounding streets during these periods at least once per day to reduce particulate emissions. Ordinance No. 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. The project sponsor shall require the construction contractor(s) to obtain reclaimed water from the Clean Water Program for this purpose.

The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Mitigation Measure 3

Hazards (Underground Storage Tanks)

The project sponsor has conducted a geophysical survey of the project site, which detected an underground object that could potentially be a UST. If it is determined during construction that a UST is in fact present, construction work shall be stopped and permits from the Hazardous Material Unified Program Agency (HMUPA), Fire Department, and, if required, DPW (Streets and Sidewalk) shall be obtained for the UST (and related piping) removal. HMUPA, SFFD (and possibly DPW) will make inspections prior to removal, and only upon approval of the inspector may the UST be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged. If analytical results indicate non-detectable or low levels of contamination, HMUPA will issue a "Certificate of Completion." If the HMUPA inspector requires that an Unauthorized Release (leak) Report is required due to holes in the UST or odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, the case will be referred to the Local Oversight Program for further action.

Mitigation Measure 4

Hazards (Disposal of Contaminated Soil, Site Health and Safety Plan)

If, based on the results of the soil tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all contaminated soils designated as hazardous waste shall be excavated by a qualified Removal Contractor and disposed of at a regulated Class I, II, or III hazardous waste landfill in accordance with state and federal regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall, as required, obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the San Francisco Department of Public Health (DPH).

If the San Francisco Department of Public Health (DPH) determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan would be required by the California Division of OSHA prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction

to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in Air Quality Mitigation Measure 2.
- Protocols for managing stockpiled and excavated soils.

The Site Health and Safety Plan shall identify site access controls to be implemented from the time of ground disturbance through the completion of earthwork construction. The protocols shall include at a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier of sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

Mitigation Measure 5

Hazardous Building Materials (PCBs, Mercury, Lead, and others)

The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered shall be abated according to federal, state, and local laws and regulations.

G. ALTERNATIVES

Alternatives to the proposed project would be defined further and described in the EIR. At a minimum, the alternatives analyzed would include the following:

A *No Project Alternative* in which the project site would remain in its existing condition with the existing building.

A *Code-Conforming Alternative* in which the project would comply with existing limitations of the currently prevailing Heavy Commercial (C-M) zoning district and 130-L height and bulk district.

A *Reduced Scale Alternative*, in which the proposed project would be approximately eight stories and approximately 85 feet in height, with approximately 78 residential units, up to approximately 68 valet spaces in a two-level underground parking garage, and approximately 2,200 square feet of retail/personal services space on the ground floor.

A *Mitigated Alternative* in which the project would be modified to reduce wind impacts and other potentially significant impacts of the proposed project.

DETERMINATION

On the basis of this initial study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

DATE December 29, 2007

William C. Wycko

William C. Wycko
Acting Environmental Review Officer
for
Dean L. Macris
Director of Planning

